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ABSTRACT

This guide contains information and learning activities for teaching elementary and secondary school students about federal-Indian relations, treaty rights, and tribal sovereignty in Wisconsin. The guide was developed to meet provisions of the 1989 Wisconsin Act 31 that required social studies curriculum to include instruction on treaty rights and tribal sovereignty. The first three sections are self-contained teaching sections for elementary, middle, and high school students that begin with a brief overview of Wisconsin Indian cultures, political structures, and relationships to the environment. Each section includes nine learning activities that address the nature of the federal-Indian relationship up to the end of the treaty-making era, examine reservations established for Wisconsin Indians and the status of nonreservation Indians, consider the relationship of acculturation to treaty rights, and explore the reaffirmation of treaty rights and the status of Wisconsin Indian peoples today. Each lesson consists of objectives, concepts, fundamentals, treaties, procedures, and a list of additional resources. The fourth section of the guide provides fundamental materials for each learning activity including pretests, maps, primary source materials such as treaty journals and manuscripts, and information on tribal life; the federal-Indian relationship; Indian gaming and economic development; and other matters concerning American Indian tribes in Wisconsin. The fifth section includes the 29 treaties that were negotiated between the Indians of Wisconsin and the United States government, 1795-1856. Appendices include a glossary, a list of Wisconsin Native American Tribal and Intertribal Offices, and a bibliography. (LP)

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Wisconsin Indian Treaties and Tribal Sovereignty

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Classroom Activities on Wisconsin Indian Treaties and Tribal Sovereignty

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Foreword

Educators in Wisconsin live in challenging times, and there is no doubt that this comprehensive book, *Classroom Activities on Wisconsin Indian Treaties and Tribal Sovereignty*, will present a challenge to teachers as they incorporate its vast information into their curricula. At the same time, the number of new resources that this book offers to teachers and students make it one of the department's most exciting academic offerings.

As a companion to the department's 1991 publication, *Classroom Activities on Chippewa Treaty Rights*, which focused exclusively on treaties of the six bands of Chippewas residing in Wisconsin, this new guide expands the focus and perspective of the study of treaty rights. Like its predecessor, it is an important response to Wis. Stat. sec. 121.02(1)(L)4, which calls for school districts to include instruction in the history, culture, and tribal sovereignty of federally recognized American Indian tribes in Wisconsin.

Because no such legislation existed before 1991, many adults have missed the opportunity to learn about American Indian history in Wisconsin. Much of this material, therefore, will be new to teachers, parents, librarians, and all the other educators in our children's lives. So in many ways this book has the potential to teach entire communities about the history of Wisconsin Indians and the connection between that history and today's contemporary issues. I am sure that both Wisconsin's children and its communities will recognize this book as a valuable learning and resource tool.

John T. Benson
State Superintendent

Preface

Gaiashkibos
Chair, Lac Courte Oreilles Tribal Government, 1987-95
and
President, National Congress of American Indians

This guide, *Classroom Activities on Wisconsin Indian Treaties and Tribal Sovereignty*, will serve as a vital resource in the state goal of instructing public school children in the history, culture, and sovereignty of Wisconsin Indians.

Eleven federally recognized tribes form the nucleus of Wisconsin Indian tribal communities. These tribes share little in the way of common native language, material culture, and economic livelihood, yet parallels exist in their historical experiences with invading European powers, loss of land, American governmental policy, and experiments in home rule. Every tribe in Wisconsin, for example, has felt the disastrous brunt of physical removal. Some tribes were removed from Wisconsin, while the Brothertown, Stockbridge-Munsee, and Oneida Indians were moved here from places in the east.

Wisconsin Indian tribes were subject to deleterious nineteenth-century land cession treaties in which they lost virtually all of their traditional homelands to make way for incoming Wisconsin settlers. Non-Indian entrepreneurs and settlers forced thousands of Winnebago [now known as Ho-Chunk], Potawatomi, Chippewa, Menominee, Sac and Fox, and Santee Sioux Indians to clear the land and make way for statehood. The U.S. government established reservations with the intent to subjugate the scattered remains of the once-powerful nations of native peoples. This action further opened their ceded lands to exploitation and their cultures to the federal policy of assimilation, with its purpose to sever the native people's unique propensity to the land—mother earth.

Wisconsin is, in a sense, a national model for federal Indian policy experimentation, as every trial-and-error initiative was attempted here. Failed federal government experiments in reservation land allotment, annuity payments, timber removal, off-reservation boarding schools, relocation, and termination only added to the woes of the tribes.

The success of Wisconsin tribes in creating environs of political and economic sustenance is due in large part to their perseverance in maintaining traditional values and tribal heritage. Tribal goals of self-determination and political sovereignty are being realized through constitutional representative governance, legislative and rule-making powers, law enhancement, and judicial resolution of conflict. Tribes retain governing powers, human service and education responsibility, as well as economic leadership, stewardship for the land, and natural resources.

These powers are guaranteed through treaties (unique court-affirmed legal agreements) with the United States government. In fact, a government-to-government relationship exists between the eleven tribes of Wisconsin and the United States of America. This relationship forms the basis of a "trust" to further the interests of the Wisconsin tribes by protecting their property assets and guaranteeing a future for tribal culture.

Wisconsin Indian tribes will accomplish their goals of self-determination and socio-political viability only if they nourish their heritage; preserve their tribal languages; maintain their spirituality, customs, and values (which well-served their ancestors through generations of hardship), and maintain an adequate land base for the future generations to follow.

The future of Wisconsin Indian tribes and survival of tribal communities will be guaranteed only through a vigorous cultural response to major challenges and tests from a highly technological outside society.

I applaud the efforts of Wisconsin educators, and the work of Professor Ron Satz of the University of Wisconsin-Eau Claire and the participants in his Wisconsin Indian History, Culture, and Tribal Sovereignty Project, to enlighten students to the rich, diverse, living culture and history of the Wisconsin Indian nations. Impress upon your students the tenacity of Indians to survive, fairly intact, despite immense federal and state political strategies to disenfranchise and destroy Indian culture. And most of all, deliver a message of hope for the future. Wisconsin Indians will be here generations from now, thriving and practicing age-old customs.

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This guide, *Classroom Activities on Chippewa Treaty Rights*, and Satz's *Chippewa Treaty Rights* book are products of the ongoing Wisconsin Indian History, Culture, and Tribal Sovereignty Project at the University of Wisconsin-Eau Claire in which all authors of this guide were participants in 1992. In that year, these authors submitted this text to the Department of Public Instruction for editing and extensive tribal and educational consultant review.

The cover photo was taken on the Menominee Indian Reservation. It is a photo of tribal members Tabitha Reiter, fourth grade student at the Keshena Primary School, and Albert Fowler, Deputy Chief Conservation Officer, Menominee Conservation Rights and Protection Department, Menominee Tribe of Wisconsin. We also would like to thank Michelle Mahkimatas, Public Relations Assistant, from the Public Relations Department of the Menominee Tribe of Wisconsin for her assistance.

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Introduction

The treaty rights of Wisconsin Indians and their status as nations must be understood in their historic as well as their contemporary context. This guide, like its predecessor *Classroom Activities on Chippewa Treaty Rights*, published in 1991, contains activities to help teachers provide instruction, in accordance with the provisions of 1989 Wisconsin Act 31, about treaty rights and tribal sovereignty. The guide emphasizes the historical context of federal–Indian relations in Wisconsin.

Throughout the guide, the names of Indian tribes and bands are used in their historical context. The authors use the term "Indians" rather than "Native Americans" to designate American natives because "Indians" is simple, traditional, neutral, and generally preferable to other terms. The authors allude to the collective members of bands or a tribe in the plural: "Brothertowns," "Chippewas," "Foxes," "Menominees," "Munsees," "Oneidas," "Potawatomis," "Sacs," "Santee Sioux," "Stockbridges," and "Ho-Chunks" (formerly known as "Winnebagos"). For additional information on the meaning and usage of these names, consult the glossary in appendix A.

The guide is divided into three self-contained teaching sections: elementary, middle, and high school. Each section is subdivided into nine specific activities. It is important that the activities be taught in the order described in this guide regardless of the length of time given to each individual activity since each builds on concepts and the knowledge base of the previous activity.

Thus, the elementary-level section builds concepts and competencies for the middle-level section and the middle-level builds concepts and competencies for the high-level section. Each section begins with a brief overview of Wisconsin Indian cultures, political structures, and relationships to the environment. Subsequent lessons at each level discuss the nature of the federal–Indian relationship up to the end of the treaty-making era. The lessons then examine the reservations that the U.S. government established for Wisconsin Indians and the status of non-reservation Indians. During the late nineteenth century, and for much of the twentieth century, Indians' reserved rights and cultures were under assault. Infringements against treaty rights and efforts to acculturate the Indians provide the focus of subsequent lessons.

Teachers are reminded that the relationship between culture and the political process of treaty making is important and should not be overlooked. European settlers introduced many cultural changes to the Indian peoples, altering and eroding their traditional family and community structures. This in turn weakened the tribes' position in the treaty-making process. Furthermore, the entire concept of individual ownership of land and natural resources, upon which the U.S. government based its desire to negotiate treaties, was alien to traditional Indian culture.

In each section, activities on the relationship of acculturation to treaty rights are followed by activities dealing with the reaffirmation of treaty rights and the status of Wisconsin Indian peoples today. The approach is a topical rather than a tribal analysis of events. This guide extends the analysis presented in *Classroom Activities on Chippewa Treaty Rights* to all of Wisconsin Indian peoples. For other resources, see the bibliography in appendix C.

Each individual lesson consists of the following five components: objectives, concepts, fundamentals, treaties, and procedures. At the end of each set of nine activities is a listing of resources for teachers. More specific suggestions about teacher preparation strategies appear in the introduction to each level of the activities.

Objectives and concepts are listed for each activity and are designed to give the students a basis of understanding for each activity that follows. Concepts listed for a specific activity are occasionally repeated in following lessons if they are appropriate to the topics under discussion. All of the concepts are defined in the glossary, appendix A.

The fundamentals, as the name suggests, are the basic elemental materials for the activity. They include primary-source materials such as treaty journals and manuscript letters. Those that are listed by number are included in this book; those without a number are teacher-generated. The treaties—one type of fundamental—are grouped together in a separate section in chronological order for easy access. These materials have been carefully transcribed from original documents. All spelling or grammar errors in the original materials and any footnotes or marginal notes have been retained unless otherwise noted. Observant teachers (and students) will notice the inconsistent and varied spellings for tribes' names, individuals, and even common objects. Teachers can choose to use these varied spellings and other inconsistencies as a discussion point. If students question or show interest in the confusion that surrounds American Indian issues, students can recognize the basic inconsistent approach taken by the U.S. government and non-Indians. In certain cases, explanatory footnotes have been retained unless otherwise noted. Explanatory footnotes have occasionally been added to clarify the text when the meaning would otherwise be unclear.

Normative words such as "civilized," "barbarism," or "savage" in these original documents reflect the attitude of the primary document's author, and teachers *must* take care to ensure that their students understand how such characterizations reflect cultural biases. The authors understand that the entire text of a treaty is often too long, complex, and sophisticated for young readers. However, it is important that students have access to the treaty in its entirety so they have a complete context for the information. Teachers must judge by the make-up of their class how much of the treaty will be relevant and possible to discuss.

Teachers may modify the procedures listed for each activity to fit an individual class or classroom setting. The authors hope that teachers will use the procedures in this book as a springboard to designing their own activities or procedures, and send them to the address listed on the suggestion form, appendix D.

The resources listed at the end of each section provide suggestions for further study for each of the activities and deal specifically with the topic of the activity under which they are listed. In particular, this section includes references to the appropriate volume of *The History of Wisconsin*, edited by William F. Thompson for the State Historical Society of Wisconsin, or to other works available to teachers that are essential to an understanding of the topic under consideration.

Teachers are strongly encouraged to supplement the works of professional historians and other social scientists with presentations by tribal elders and other tribal resource people and visits to tribal museums on the various reservations or to public museums which have Indian collections such as the Chippewa Valley Museum in Eau Claire, the Milwaukee Public Museum, the Neville Public Museum of Brown County, and the State Historical Museum of Wisconsin in Madison. A listing of tribal education directors is available from the Wisconsin Indian Education Association and from the Wisconsin Department of Public Instruction (see appendix B for tribal addresses).

Unless otherwise noted, the audiovisual resources cited throughout this guide are available for loan from the Reference and Loan Library in Madison, and the citations are reprinted from the Department of Public Instruction's guide, *American Indian Resources Manual for Public Libraries*. The sources for ordering other audiovisual materials are provided in the text.

This new activity guide will assist teachers in expanding and improving students' knowledge of important aspects of Wisconsin history and current events. The Department of Public Instruction is currently researching possible liaisons with other groups, organizations, and agencies to create opportunities for educators to gather or share their growing knowledge of this material with one another. Questions and suggestions are welcome and should be sent via the suggestion form in appendix D.

Elementary-level Activities

Introduction

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Introduction

As mentioned in the overall introduction to this book, the authors have made it a top priority to give teachers and students access to historical information in its entirety, especially the 29 treaties themselves. This complete access is absolutely critical due to the centuries of misinformation surrounding treaty rights and tribal sovereignty, the sensitive nature of the cultural clashes that have taken place in Wisconsin, and the impact that universal understanding of treaty rights has on contemporary issues.

Its critical nature aside, the sheer amount of information and its legal and cultural dimensions make it a challenge to teach to younger students at the elementary level. The elementary-level activities are a basic introduction to the treaties made between the United States and the tribes, both past and current, located in the state of Wisconsin. These activities are for students in grades 4, 5, and 6. The activities provide a foundation to learning about Wisconsin Indian history and culture that will gradually build in the middle and high school years. The following descriptions of the elementary-level activities provide an overview constructed to help elementary-level teachers focus on the key concepts or teaching goals of the material. Following these brief descriptions are some practical strategies about effective teacher preparation time, student expectations, and teaching strategies.

Activity Descriptions

Treaties may seem so removed from the lives of elementary-level students that teachers may be tempted to avoid teaching about them and focus only on very discrete, hands-on examples of Indian life, such as beadwork or children's games. But at their heart, treaties are about protecting universal elements of life, like eating, gathering food, being on the land, being on the water, and living in cooperation with one's environment. Books, movies, and television shows for this age group often take place in woods, forests, and other natural surroundings. The Disney studio has set the characters of its highly popular animated films under the sea, in the rural French countryside, in the middle-eastern desert, in the African jungle, and in the primeval forests of Virginia. Other programs and books for this age group focus directly on environmental conservation and respect, so activities 1 and 2, which explore the subsistence culture of Wisconsin Indians, the seasonal activities, and the land-based work cycles should be of interest to many elementary-level students. Also, many districts include environmental education in the curriculum at the elementary level, so these first two activities offer an opportunity to deliver information about land and water use, among other things, from a different perspective.

The key concept for teachers to focus on with their young students in activities 3, 4, and 5 is the role of *language*. The most obvious conclusion that students should reach after role-playing treaty negotiations is that the language barrier created enormous problems for communication between the U.S. government and the tribes. As students learn that good, fair, effective negotiations rely on good, fair, effective communication, they should recognize that language barriers created just the opposite for the two sides. Students must also recognize that the language problems affected Indian cultures and needs far more harshly than those of non-Indians. The other critical concept in studying the language of the treaty negotiation process is the discrepancy between the U.S. government's official language toward Indian tribes, which reflects an unequivocal recognition of the tribes as nations, and the policies and attitudes of individuals and states, which ignored the tribes' status. These three activities are studies of two highly different perspectives on the history of the treaty negotiation process. Upon completion of these three activities, students should know that there is more than one historical perspective on treaty rights in Wisconsin.

Treaties and U.S. government policies produced many different types of circumstances for Indians living in Wisconsin. The U.S. government applied two main policies to Indians who did not assimilate into the dominant non-Indian culture: reservation or removal. Activity 6 offers accounts of the effects of these policies. As time allows, teachers should present as many different examples of these two policies as possible. In this way, they will be able to reinforce in their young students the key concept of this activity: there is no *one* type of Indian, there is no *one* Indian experience. Indian cultures are as diverse as the cultures of the non-Indians who gradually came to live in Wisconsin.

The activities require that students respond to the experiences of Indian children at boarding schools. This discussion of forced acculturation and separation of Indian children from their families in activity 7 may cause some distress for younger students. Teachers should use the same policies and practices in discussing this material as they do with other sensitive information.

There is a connection between activity 8 and activities 1 and 2 because as courts reaffirm treaty rights, they are also acknowledging the dependence of Wisconsin Indians on land, water, and other natural resources that those treaty rights support. Where the detailed legal information may be complicated for elementary-level students, the message that the courts have upheld various treaty rights and supported tribal lifestyles is the main lesson for students to learn.

The final activity of the unit draws the history full circle because it provides the connections among government service, tribal sovereignty, and treaty rights. The photos in this activity allow students to take a visual journey and see the benefits of upholding treaty rights and supporting tribal sovereignty. With these photos teachers can show the similarities between tribal governments and other governments. Teachers may also, however, give students a view of how Indians in Wisconsin have brought their traditional beliefs to meet their contemporary challenges. Whether it is protecting (and sometimes dying for) their country in the military, preserving the natural resources of the state, or ensuring the well-being of their tribal members, Wisconsin Indians continue to respect their land, their people, and their lifestyle.

Teacher Preparation Strategies

- Limited preparatory time will dictate the number of treaties most teachers will be able to read and analyze, especially during the initial use of this material.
- Teachers should plan on using a limited number of treaties when they first teach with these activities.
- Using a treaty or treaties from a tribe in the local region of the state is highly recommended. Expanding to other treaties and tribes after initially teaching about a local tribe may be more beneficial to the students and teacher alike.
- The thought of absorbing all 29 treaties for any one activity, for most busy teachers, is understandably overwhelming. When preparing to use this material for the first time, teachers do not need to read every treaty in its entirety.
- We do not suggest that teachers start reading the fundamental or treaty sections in their entirety, separate from the activities. A better approach is to read the activities section, reading and becoming familiar with the fundamentals and treaties listed in each separate activity.
- If teachers find that students are struggling with the archaic nature of the vocabulary of a given fundamental or treaty, teacher preparation time is well-spent developing a list

of synonyms of critical terms and concepts. Stereotypes about Indians are often embedded in language, and the archaic language in many of the fundamentals reflects the bias and the non-Indian perspective of the day. The glossary should aid in this effort of finding similar terms.

- Observant students may notice inconsistencies in spelling and formatting in the fundamentals and treaties. Teachers can use the variations to show students the confusion that existed in the language among non-Indians. This reflected the overall potential for miscommunication and misunderstanding of the treaties.

General Expectations of Students

- Students at the elementary level should not be expected to process any given treaty in its entirety in these activities.

Teaching Strategies

- Teachers must be open to alternating the treaty selection every time they teach this unit of activities.
- By experimenting with the number of treaties students study and alternating the focus on different tribes or different issues, teachers can gradually absorb the larger information base every time they teach the unit of activities.
- Even if teachers determine at some point that a set number of treaties is useful for a certain grade level, they need to vary their treaty coverage in order to gradually absorb the larger information base that this material demands overall.
- There are many procedures listed for every activity. Teachers are encouraged to adjust the procedures to fit the time available. Teachers may opt to use only those procedures they deem key to a given activity, as long as the students have comprehended the concepts of each activity.
- Another recommended strategy is to use treaties with specific topics and themes, such as treaty stipulations on land cessions, education and training clauses, or acculturation.

The Indian Peoples of Wisconsin and Their Relationships to the Environment, Part I

Objectives

By the end of this lesson the student will be able to

- identify Indian tribes that have lived in what today is Wisconsin.
- identify ways that Wisconsin Indian tribal cultures depend on land, water, and other natural resources.
- identify some important aspects of the subsistent nature of the traditional Wisconsin Indian cultures.
- explain traditional Wisconsin Indian family structures in the context of the seasonal work cycle.

Concepts

- A large number of Indian tribes and bands have lived in what is today Wisconsin.
- Traditional Wisconsin Indian peoples live and work in communities composed of extended families.
- Subsistence is a means of gaining the products needed to support life directly from the natural environment.
- All members in traditional Indian families play roles in hunting, fishing, and gathering and share the products of their labor.
- The work cycle represents the various seasonal activities by which traditional Wisconsin Indian peoples make their living from the land.

Fundamentals

- 1, Pretest on Indian Treaty Rights and Tribal Sovereignty
- 2, Maps
- 3, Tribal Facts
- 4, Seasonal Traditional Activities
- 5, Traditional Family and Clan Relationships

Procedures

- Develop and administer a grade-appropriate version of the pretest in fundamental 1. The questions in this test will be answered during the course of the activities.
- Ask students to identify how many different Indian groups are in Wisconsin today using fundamental 2. Fundamental 3 provides information about those Indian tribes and ones that once lived in Wisconsin but do not today. The teacher may wish to explain that the students will learn in later lessons what happened to these tribes.
- Using the glossary, explain the meaning of subsistence. Ask the students how the changing Wisconsin seasons might affect people's subsistence activities. Farming would be a good example to help students think about the reasons for different seasonal activities. Some questions to help stimulate discussion might be the following: In what season do people plant and harvest? When do people fish and hunt? Did the Wisconsin Indians do two or more activities at the same time?

- Develop cards describing different seasonal activities in which the Wisconsin Indians were involved: hunting, trapping, fishing, ricing, and sugaring. Develop another set that describes who did which activity. (See fundamental 5 for information in preparing the cards) Ask the students to place the activities represented by the activity cards, both seasonal and family, in the appropriate place on the blank seasonal chart in fundamental 4.
- Using the seasonal activities chart in fundamental 4, have the students explain how traditional Wisconsin Indian cultures and lifestyles related to the land where they lived.
- Either as a class or in small groups, have students create a pre-statehood "day in the life" description of Wisconsin Indians of their own age. This can be a chart, graph, montage, or other appropriate format. **Note:** Students must realize that, for the Wisconsin Indians, the seasons and nature, not clocks and calendars, constructed the concept of time.
- Complete this and each subsequent lesson in this unit by having the students answer each lesson's concluding questions in a journal.

Note: As the class completes this part of a two-part activity, it is important to remind the students that while today some Wisconsin Indians continue to follow these traditional activities noted in the seasonal activities chart, others follow patterns identical to those of non-Indians. There is more emphasis on this aspect in the next activity. Even though some contemporary Wisconsin Indians do not follow traditional ways, they still may honor and respect the traditional cycles and lifestyle of other members of their tribe or band.

- Journal questions:

— How is your life affected by the changing seasons?
— How were the traditional Wisconsin Indian lifestyles affected by the changing seasons?
— What are some differences between your lifestyle and traditional Wisconsin Indian lifestyles?
— What are some similarities between the two lifestyles?
— What are some differences between your family's division of work and that of traditional Wisconsin Indian division of work?
— What are some similarities between the two?
— How would your life be different if you were more closely involved in the same activities and experiences as Wisconsin Indians?

The Indian Peoples of Wisconsin and Their Relationships to the Environment, Part II

Objectives

By the end of this lesson the student will

- be able to explain the importance of seasonal activities to the culture and lifestyle of Wisconsin Indians.
- be able to identify some of the various subsistence activities the Indians relied on and the seasons when they occurred.
- gain an appreciation for the traditional subsistence activities of the Wisconsin Indian peoples.

Concepts

- See activity 1.

Fundamentals

- 4, Seasonal Traditional Activities
- 5, Traditional Family and Clan Relationships
- 6, Traditional Indian Life: A Photo Essay

Procedures

- Review with the students the importance of the various seasonal activities described in activity 1. Have the students explain why certain activities must take place during certain seasons. Refer them to the following three resources: the model chart, the chart that they completed, and the "day in the life" description they made in activity 1.
- Ask the students to look at the model chart and identify those activities that most likely evolved *after* contact with non-Indians.
- Review with the students how the changing seasons affect their own lives.
- Show the students the pictures and drawings depicting the traditional Wisconsin Indian cultures found in fundamental 6.
- Ask the students to identify in each picture and drawing what is taking place, when or where the activity is taking place, and who is involved. Because the captions under each picture or drawing reveal the requested information, teachers should consider covering up the captions. Or, teachers may simply present the information to their students.
- Journal questions:
  - What similarities exist between your own changing seasonal activities and those of traditional Wisconsin Indians?
  - Which seasonal activities seem most important to your lifestyle?
  - Which seasonal activities do you think seem the most important to traditional Indian lifestyles?
  - As you noted in the seasonal activities chart, the Indians relied on many different resources for their survival. How would your life be different in each of the four seasons if grocery stores and modern furnaces were not available?

Treaties and Treaty Making, Part I

Objectives

By the end of this lesson the student will be able to identify
- the similarities between contracts and treaties.
- some of the difficulties inherent in treaty making.
- the importance of mutual understanding in treaty making.

Concepts

- A contract is a formal and binding agreement between two parties.
- A treaty is a formal and binding agreement between two nations and, according to the Constitution of the United States, treaties entered into by the United States are part of "the supreme Law of the Land."
- For negotiations to take place fairly, both parties must give their consent to the agreement at hand and should fully understand all aspects of the agreement.
- Land ownership can be recognized through a formal title or deed to the land or property, or it can be recognized in a treaty.
- Property rights are the rights that go along with owning and occupying property and allow the holders to do as they please with or on their property, provided this does not harm or interfere with the rights of others. Property rights can extend beyond actual ownership if they are retained at the time of sale.
- When Indians ceded land to the United States, they sometimes reserved certain rights to the land or property including hunting, fishing, and gathering rights for as long as possible.

Fundamentals

- 9, Treaty Negotiations

Treaties

- 1, Treaty of Greenville between the United States and the Chippewa, Potawatomi, and Other Tribes of the Great Lakes Region (1795)
- 2, Treaty between the United States and the Sac and Fox Indians (1804)
- 4, Treaty between the United States and the United Tribes of the Ottawas, Chippewas, and Potawatomis (1816)
- 8, Treaty of Butte des Mortes between the United States and Chippewa, Menominee, and Winnebago Tribes (1827)
- 12, Treaty between the United States and the Menominee Nation with Supplementary Articles (1831)
- 17, Treaty between the United States and the Chippewa Nation (1837)
- 19, Treaty between the United States and the Winnebago Nation (1837)
- 23, Treaty between the United States and the Chippewa Indians of the Mississippi and of Lake Superior (1842)
- 26, Treaty between the United States and the Chippewa Indians of Lake Superior and the Mississippi (1854)

Procedures

- Divide the class into two groups of very *unequal* size.
- Explain to the larger group that it must negotiate purchase of the entire playground and that the smaller group is recognized as the current owner of the playground. (The classroom, gymnasium, or other physical spaces are possible "purchase properties," if the playground is not feasible.)
- Explain to the smaller group that it is unwilling to sell the entire playground, but will allow the larger group to use the playground equipment.
- Select a negotiator and a note-taker from each side and, using copies of the blank treaty in fundamental 9, ask students to draw up an agreement by which the above provisions are met. Make sure the students include a physical description of the property (playground) in question, as well as the specific provisions regarding the use of the equipment, payments, and other terms of the "sale." Teachers may want to incorporate a trip outside to the playground to measure and inventory the property.
- Stress that in actual treaty negotiations between the United States and the Indians in the 1800s the treaty commissioners usually could not speak the Indian languages, and the Indian negotiators could not speak the English language. The negotiations took place through interpreters, and the treaties were written in English.
- Consider asking one group to negotiate without speaking. The use of sign language will help illustrate the communication problems that existed during treaty negotiations.
- Teachers should select an historical treaty from the ones listed that involves one or more of the area's local tribes. Show the copy to the students, and let them appreciate its visual design. Have the students make their document resemble an historical treaty.
- Upon completion of the negotiations, ask all students on both sides to sign the agreement. Also have students act as witnesses and sign the agreement.

Note: Teachers who are near the Stockbridge-Munsee reservation and those who have Stockbridge-Munsee students should remember that treaty 12, Treaty between the United States and the Menominee Nation with Supplementary Articles, plays a role in the history of the Stockbridge-Munsee tribe.

- Journal questions:

— What difficulties did you encounter in making your contract?
— How is your contract similar to an actual treaty?
— Was the bargaining situation you experienced fair? Why or why not?

Treaties and Treaty Making, Part II

Objectives

By the end of this lesson the student will be able to identify
- the importance of "good faith" in negotiating a contract or treaty.
- treaties as contracts which may not have expiration dates.
- the types of rights which Indians sometimes sought to reserve in treaties.

Concepts

- In the Northwest Ordinance, the United States pledged to act in "good faith," that is, honestly and fairly toward the Indians who inhabited what was about to become U.S. territory.

Fundamentals

- Completed treaty document from activity 3
- Student journal

Treaties

- 1, Treaty of Greenville between the United States and the Chippewa, Potawatomi, and Other Tribes of the Great Lakes Region (1795)
- 2, Treaty between the United States and the Sac and Fox Indians (1804)
- 4, Treaty between the United States and the United Tribes of the Ottawas, Chippewas, and Potawatomis (1816)
- 10, Treaty between the United States and the United Nations of Chippewa, Ottawa, and Potawatomi Indians (1829)
- 12, Treaty between the United States and the Menominee Nation with Supplementary Articles (1831)
- 17, Treaty between the United States and the Chippewa Nation (1837)
- 19, Treaty between the United States and the Winnebago Nation (1837)
- 23, Treaty between the United States and the Chippewa Indians of the Mississippi and of Lake Superior (1842)
- 26, Treaty between the United States and the Chippewa Indians of Lake Superior and the Mississippi (1854)

Procedures

- Ask the students to define the terms "contract" and "good faith." Note: These terms appear in the Northwest Ordinance of 1787, which is excerpted below. The middle- and high-level activities will cover the Northwest Ordinance of 1787 in more detail. Teachers at the elementary level may wish to share the excerpt with students at their own discretion.

> The utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in justice and humanity shall from time to time be made, for preventing wrongs being

done to them, and for preserving peace and friendship with them. (*Journals of the Continental Congress*, Vol. 32)

- Distribute copies or make an overhead of the students' playground agreement and ask them to explain which parts of the agreement relate to property rights, land ownership, consent, and "good faith" between the two parties regarding the use of playground equipment.
- Discuss any difficulties the students encountered in negotiating the agreement.
- Make and display to the students an overhead of the selected treaty from activity 3.
- Ask the students to identify the ways in which their agreement or "contract" is similar to the selected treaty. How is their "contract" or "treaty" different than the selected treaty? Students should recognize the concepts of exchange, agreement, equity and inequity, language barriers, and imagination and reality.
- Stress to the students that the age of a contract does not necessarily undermine its validity. Cite the U.S. Constitution and the Bill of Rights as examples of contracts without expiration dates or conditions of time. Ask them if they can think of other examples.
- Journal questions:

— Which of the difficulties you experienced in your treaty-making experience would have been worse if a negotiating side spoke a different language?
— Did either negotiating side have an advantage? Why?
— Could the negotiations have been made more fair?
— What effects would the treaty have on next year's students? These are called long-term effects.
— How would you feel if the other side broke the promises described in the contract? What response might you have?

References

Journals of the Continental Congress. Vol. 32, 1774-1789. Washington DC: GPO, pp. 340-41.

Federal–Indian Relations in Wisconsin Before Statehood

Objectives

By the end of this lesson the student will be able to

- explain some reasons that there was an imbalance of power in treaty negotiations.
- identify the federal government's view of a treaty.
- identify the Indian's view of a treaty.
- explain why Indians and the federal government may have had different interpretations of the same treaty.

Concepts

- According to the Northwest Ordinance, the United States hoped to promote "peace and friendship" with the Indians.
- The "good faith" that the Northwest Ordinance mentioned concerning Indians implied the purchase of Indian lands through treaties.
- The consent of the Indians in negotiating treaties was sometimes coerced through the presence of the U.S. military at the treaty proceedings.

Fundamentals

- Completed treaty document from activity 3
- 9, Treaty Negotiations

Treaties

- 19, Treaty between the United States and the Winnebago Nation (1837)

Procedures

- Remind the students of the contract or treaty that they negotiated in activity 3.
- Ask the students to identify ways in which any troubles they experienced could have been eliminated. Ask them to identify ways that the negotiations could have been made easier.
- Ask them if they could trust the other side in the negotiation process. Why or why not?
- Define the word *consent* for the students and ask them to identify the parts of their contract that are based on consent.
- Did their contract promote "peace and friendship" between the two parties? Why or why not?
- The presence of U.S. soldiers at treaty negotiations was common. Using fundamental 9's photograph, "The Treaty of Prairie du Chien," as an example of the presence of the military, ask the students if they believe the presence of the military at the treaty negotiations might have influenced the Indians' decision to sign the treaties.
- Read to the students the following paragraph regarding the presence of soldiers at treaty negotiations.

> One way in which American treaty commissioners sought to extend American influence into the Great Lakes region was to convince the Indians of America's military strength. To accomplish this goal, soldiers accompanying the commissioners drilled, paraded, and stood inspection on a regular basis. At Fond du Lac,

> Commissioners Lewis Cass and Thomas L. McKenney emphasized the military strength of the United States by warning the Chippewas, "You have never seen your great father's arm. Only a small particle of it—here on your right—[pointing to the military]—but it is only a bit, and a very little bit, of his little finger." The commissioners told the Chippewas to view agent Schoolcraft as the representative of the president of the United States. "We advise you as friends and brothers, not to offend your great father. He has sent his agent, [Mr. Schoolcraft] among you. He speaks your great father's words, listen to him; then you will be happy—and this is what your great father wishes you to be. It is with yourselves to be so, or not." (Satz, 1991)

- Make a transparency of article 3 of treaty 19. Also, make a transparency of the following recollection of one of the eyewitnesses to this treaty.

> The treaty, as they were informed, permitted them to remain in the peaceful occupancy of the ceded lands eight years, when in fact it was only that number of months; and as each went forward to attach his name, or rather mark, to the treaty, he would repeat what he understood as to the time they were to remain, "eight years." And thus the poor Red Men were deceived and outwitted by those who ought to have been their wards and protectors. (Merrill, 1908)

- Ask the students whether they believe the United States treaty commissioners demonstrated "good faith" with the Winnebagos (now called Ho-Chunks) in the 1837 treaty.
- Journal questions:

— Write in your own words
  - What the federal government viewed as the terms of the 1837 treaty with the Winnebagos.
  - What the Indians viewed as the terms of the treaty.

— Did the treaty you negotiated over the playground promote "peace and friendship" between the two parties?

— Was "good faith" part of the treaty negotiations between the U.S. government and the Winnebagos in 1837? If so, how? If not, why not?

— Was "good faith" part of your negotiations? If so, how? If not, why not?

References

Merrill, Henry. "Pioneer Life in Wisconsin." *Collections of the State Historical Society of Wisconsin*. Vol. 7. Madison, 1908, p. 393.

Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Sciences, Arts, and Letters, 1991, p. 8.

Land Cessions, Removal, and Reservations

Objectives

By the end of this lesson the student will be able to

- understand the concept of land cessions.
- locate Indian land cessions on a map of modern-day Wisconsin.
- provide examples of Indian tribes that were completely removed from Wisconsin.
- explain that not all Indian tribes who sold their lands to the United States actually left Wisconsin
- locate Wisconsin Indian reservations and communities on a map.
- identify Indian tribes that were removed but who have members who have returned to Wisconsin.
- identify the various places where Indians of Wisconsin live today.

Concepts

- The United States acquired the region of Wisconsin through Indian land cessions.
- Treaties with the Chippewa Indians provided for hunting, fishing, and gathering rights on lands that the Indians sold.
- Some Indian treaties called for the removal of the Indians to an area outside the borders of present-day Wisconsin.
- Lands reserved for Indians are known as reservations.
- Not all Wisconsin Indians live on reservations today.
- Ceded territory are lands where hunting, fishing, and gathering rights are maintained by treaty.

Fundamentals

- 2, Maps
- 11, The Indian Removal Policy
- Map of present-day Wisconsin (teacher-generated)

Treaties

- 17, Treaty between the United States and the Chippewa Nation (1837)
- 23, Treaty between the United States and the Chippewa Indians of the Mississippi and of Lake Superior (1842)
- 26, Treaty between the United States and the Chippewa Indians of Lake Superior and the Mississippi (1854)

Procedures

- Reproduce fundamental 2 as transparencies. Explain to the students that all of Wisconsin was at one time occupied by the Indian tribes living in the region.
- Show students a current map of Wisconsin and pinpoint the location of your community. Tell them you are going to show them a map that will look very different from any map they have seen before. Now show them the "Wisconsin Indian Land Cessions" map of fundamental 2, and explain that each area marked on the map represents an area ceded by the Indians to the United States.

- Read article 5 of treaty 17, article 2 of treaty 23, and article 2 of treaty 26 for background information. Explain that the Chippewa Indians reserved the right to remain on their ceded lands to hunt, fish, and gather, and that they later secured reservations in the ceded country.
- Using the glossary, define the word "reservation" for the students. In doing so, be sure to point out the root word "reserve" and explain that a reservation is an area of land specifically designated for Indians.
- Show the students the "Wisconsin Indian Reservations and Communities, 1992" map from fundamental 2 and point out the Indian reservations that exist in Wisconsin today. **Note:** Remember to point out the areas designated or reserved as Indian communities that are not reservations. Teachers will find that fundamental 11 provides background information on removal. Students should be told that the Brothertown, the Wood County Potawatomi, and the Wisconsin Winnebago (now called Ho-Chunk) Indians do not have reservations in Wisconsin and that Indians of many tribes live in cities such as Milwaukee, Green Bay, and Madison.
- Show the students the selected maps from fundamental 2 again. Tell them that some of the land cessions resulted in the removal of some of the Indians from Wisconsin. Point to the Sac and Fox and the Sioux as two examples. Ask the students to find the reservations of these tribes. They obviously will not be able to do this. Explain that the Sac and Fox and the Sioux are two examples of tribes that were removed completely from Wisconsin. Point out that some tribes were removed from the state but returned, and point to the Potawatomi and Winnebago communities as examples.
- Tell the students that there are some Indians living in Wisconsin today (point out, using all three maps in fundamental 2, the Brothertown communities, the Oneida reservation, and the Stockbridge-Munsee reservation) who were removed to Wisconsin from the east. Indicate that these Indians had to acquire land through negotiations that included other Indian tribes.
- Journal questions:
  - Identify three tribes that were completely removed from Wisconsin. (Sac and Fox, Sioux)
  - Name two tribes who have communities in Wisconsin but no reservation. (Ho-Chunk, Brothertown, Wood County Potawatomi)
  - How did the United States acquire Indian lands?
  - Identify one of the nations included in the group referred to as the "New York Indians." (Stockbridges, Munsees, Oneidas, Brothertowns)
  - Which Indians sold their land in northern Wisconsin but kept the right to hunt, fish, and gather there? (Chippewas)
  - Identify at least one other area than their present location where the Stockbridge-Munsees were assigned reservation lands in Wisconsin. (Red Springs, Grand Kakalin [Kaukauna], Stockbridge)

Efforts to Destroy Tribal Cultures

Objectives

By the end of this lesson the student will be able to
- explain the major purpose of government-supported schools.
- identify several ways that the boarding schools affected traditional Indian cultures.
- gain an appreciation for how the boarding school experience affected an individual's self esteem.
- explain why many Indians disliked boarding schools.
- identify ways in which the education provided at these government-supported schools was contrary to the experiences of traditional Indian life.

Concepts

- Government-supported Indian schools tried to destroy tribal cultures.
- Boarding schools played a major role in government efforts of forced acculturation.
- Many Indian children disliked the impersonality and harshness of government-supported schools.
- Children who attended government-supported schools learned skills that were not useful once they returned to their own communities.

Fundamentals

- 6, Traditional Indian Life: A Photo Essay
- 13, Education Programs

Procedures

- Explain to the students that Indians were pressured to give up much of their traditional culture and lifestyle and to adopt non-Indian customs. Much of forced acculturation was accomplished through the use of boarding schools.
- There are many comments about language use in fundamental 13. The most important point that elementary students need to be aware of is that the boarding schools strongly discouraged the use of tribal languages.
- Show the students the boarding school schedule found in fundamental 13.
- Have students compare the boarding school schedule with their own school schedule.
- Have the students compare the pictures from fundamental 6 and the "day in the life" description that they made in activity 1 with the photographs and information in fundamental 13.
- Focus on the differences between the activities practiced by traditional Indian families and those experienced by Indians in boarding schools. **Note:** Make a point of reminding the students that the Indian concept of time is geared more to individual needs of hunger or sleep, than to structured or measured time. Many of the Indians who were taken to boarding schools had never seen a clock and were unaccustomed to daily, time-specific schedules.

The following excerpt is illustrative of the Indian reaction to boarding schools.

> . . . [I]n the traditional families . . . the child is never left alone. It is always surrounded by relatives, carried around, enveloped in warmth. It is treated with

> the respect due any human being, even a small one. It is seldom screamed at, and never beaten. That much, at least, is left of the old family group among full-bloods. And then suddenly, a bus or car arrives, full of strangers, usually white strangers, who yank the child out of the arms of those who love it, taking it kicking and screaming to the boarding school. The only word I can think of for what is done to these children is kidnapping.
>
> Even now, in a good school, there is impersonality instead of close human contact; a sterile, cold atmosphere, an unfamiliar routine, language problems, and above all . . . [that] clock—white man's time as opposed to Indian time, which is natural time. Like eating when you are hungry and sleeping when you are tired, not when that . . . clock says you must. (Crow Dog, 1990)

- Show the students the pictures in fundamental 13 and ask them to identify whether or not the pictures represent traditional Indian culture.
- Remind students that agriculture was a part of traditional culture. Ask students *how* changes in agriculture changed the Indian family life. For example, in traditional Wisconsin Indian societies, women and girls were responsible for agriculture, food preparation and storage, and many of the different harvests. Non-Indian cultures often give men these responsibilities.
- Journal questions:

— Why were the Indians not permitted to use their own languages at government-supported schools?

— Describe how you would respond if you were taken from your family, placed in a boarding school, and forced to use a new language.

References

Crow Dog, Mary. *Lakota Woman*. New York: Harper Perennial, 1990, p. 29.

Reaffirming Treaty Rights and Tribal Sovereignty

Objectives

By the end of this lesson the student will be able to explain

- that treaty rights have been reaffirmed by the U.S. federal courts.
- why treaty rights are important to Indians today.
- why there has been a renewed emphasis on treaty rights by Wisconsin Indians.
- the relationship between tribal sovereignty and treaty rights.

Concepts

- Federal court decisions reaffirming reserved and other treaty rights have assisted Indian efforts to force the government to demonstrate "good faith."
- The reaffirmation of reserved and other treaty rights has assisted Wisconsin Indians in maintaining their cultural and economic survival.
- Under the U.S. Constitution, treaties and thus reserved treaty rights are part of the "supreme Law of the Land."
- The treaty relations between the U.S. government and Indian tribes created a special relationship between the federal government and the tribes.

Fundamentals

- 7, Tribal Sovereignty
- 27, Indian Resurgence: From Termination to Self-Determination, 1961-91
- 32, Wisconsin Indian Treaty Rights

Procedures

- Explain to the students that U.S. federal courts have recognized Indian tribes as having a special relationship to the federal government. Show them the diagram of "Indian Tribes and the American Political System" in fundamental 7. Using fundamental 32, explain that the federal courts have ruled that the reserved rights recognized in nineteenth-century treaties (many of which were often denied to the Indians by the State of Wisconsin) still exist and are part of the "supreme Law of the Land."
- Read to the students the following excerpt from President George Bush's Inaugural Address of January 20, 1989. "Great nations like great men must keep their word. When America says something, America means it, whether a treaty or an agreement or a vow made on marble steps" (GPO, p. 349).

  Ask the students to explain what they think President Bush meant by his statement. In what ways does his statement relate to the concept of "good faith" previously discussed?
- Using fundamental 27, explain to the students how the events of the past several decades have led Indians to reaffirm their treaty rights and tribal sovereignty to promote their cultural and economic survival.
- Journal questions:

— What did President Bush mean by his statement on treaty rights?

— How could the preservation of treaty rights help Indians maintain their traditional cultures?

— How could it help them economically?

- Teachers may wish to refer to *Classroom Activities on Chippewa Treaty Rights*, fundamental 35, Rights to Fish, 1991, for a discussion dealing specifically with the reaffirmation of Chippewa hunting, fishing, and gathering rights.

References

Inaugural Addresses of the Presidents of the United States from George Washington 1789 to George Bush 1989. Washington, DC: GPO, 1989, p. 349.

Indian Tribes and Tribal Government Today

Objectives

By the end of this lesson the student will be able to identify

- tribal government as one of the levels of government represented in Wisconsin.
- similarities between tribal governments and other governments.
- some of the limitations of federally recognized tribal governments.

Concepts

- Many of today's Indian tribal governments are called tribal councils or business committees. Others have executive, legislative, and judicial branches that highly resemble the U.S. federal government.
- Like federal, state, and local governments, tribal governments have such officials as judges, police officers, and game wardens.
- Tribal governments regulate and serve their communities.
- Tribal governments cannot raise their own armies or print their own money.
- Although Indian tribes are self-governing, they contribute to the defense of the United States.

Fundamentals

- 7, Tribal Sovereignty
- 21, Tribal Governments
- 23, Indian Soldiers Defend the United States
- 27, Indian Resurgence: From Termination to Self-Determination, 1961-91
- 32, Wisconsin Indian Treaty Rights

Procedures

- Ask the students to list all of the levels of government they can name. Start out with the example of local government. Write all of the names of the government levels mentioned on the blackboard. Review the listings with the students and explain that there are several levels of government in the United States today: federal, state, county, and local or town/city governments. For many Indians, there is another government that is of great importance—tribal government. Many tribal governments in Wisconsin consist of elected tribal councils or elected business committees. Make a transparency of the diagram of "Indian Tribes and the American Political System" from fundamental 7 and show it to the students as an overhead transparency.
- Show the students the photographs in fundamental 21 and ask them to discuss the similarities between the functions being performed by the Indians depicted and those performed by officials at federal, state, and local levels. They should identify the functions by occupation: tribal game wardens, tribal police, tribal council members, and tribal judges.
- Show the students the photographs in fundamental 23 of Indian soldiers in U.S. military uniforms and explain that while tribes are self-governing in many respects (they can make laws, levy taxes, determine tribal membership, and generally regulate and serve their reservation populations), they cannot raise their own armies or print their

own money, among other things. Explain that the exact legal status of tribes and what they can and cannot do can be confusing at times. For example, while tribes cannot print their own money, they can issue certain kinds of licenses, including automobile license plates.

- Journal questions:
  - In what ways are tribal governments like the U.S. government?
  - What things do tribal governments do that are also done by state governments?
  - What things are tribal governments prevented from doing?

Resources

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- Mason, Carol I. *Introduction to Wisconsin Indians: Prehistory to Statehood*. Salem, WI: Sheffield Pub. Co., 1988, pp. 1-22, 99-130.
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Activity 2

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Middle-level Activities

Introduction

Wisconsin Indian Peoples

Common Attributes of Nations and Indian Tribes

The Constitutional Framework of Treaty Making

Early Federal–Indian Policy in Wisconsin

Wisconsin Indian Land Cessions and Resistance to Removal

Survival During the Reservation Era

Acculturation, Assimilation, and Traditionalism

Reaffirmation of Treaty Rights and Tribal Sovereignty

Tribal Sovereignty Today

Resources

Introduction

The authors' choice to require that teachers and students have comprehensive access to all 29 treaties and other relevant historical documents may present fewer problems for teachers of middle-level students than it does for teachers of younger students. As stated in other places in this guide, complete access is absolutely critical to balance the years of misinformation that surrounds treaty rights and tribal sovereignty, the civil and human rights issues involved in forced acculturation, and the impact that ignorance of legal decisions has on discussing contemporary issues.

Even though some middle-level students in grades 7, 8, and 9 will have the benefit of exposure to these materials when they are in elementary school, many will learn about treaty rights and tribal sovereignty issues in Wisconsin for the first time with these activities that follow. These activities also function as the interim piece between an introduction to, and completion of, grasping a total picture of Indian treaty rights in Wisconsin. Teachers may choose to use materials from the elementary activities to help fill gaps and provide background for the complex legal and cultural information being taught. The following descriptions of the middle-level activities focus on the key concepts or teaching goals of the material. Following these short descriptions are some practical strategies about effective teacher preparation time, student expectations, and teaching strategies.

Activity Descriptions

Most teachers of middle-level students are aware of the exciting, and often frustrating time of transition that students in grades 7, 8, and 9 are undergoing. The changes in the self—the physical, emotional, and mental growth—create a time of enhanced self-awareness and self-focus. It is also the time that many students begin to recognize the skills, styles, interests, and beliefs that will help them start to plot their career paths, along with other life journeys. The often inward-looking middle-schooler may find these materials on treaties and tribal sovereignty more interesting and relevant if teachers are able to integrate connections to the students' own lives into the lessons.

One effective way to do this throughout the unit is to emphasize the journal questions and procedures that are a part of every lesson. Although journal use is also a part of the elementary-level activities, middle-schoolers' advanced writing skills and self-focus can transform these simple questions into a highly creative, analytical tool. An enriched version of the journal exercises would be to have students choose a specific issue from among the important legal, historical, environmental, cultural, or other concepts, and report or respond from a certain perspective on each of the nine larger activities. At the end of the unit, students could bind the "books" and display them in the library or other accessible location.

Beginning with activity 1, students will delve into the key concept of the diversity of Wisconsin Indian experiences. The fact sheets on each Wisconsin tribe allow students to realize that there is more than one Indian tradition or lifestyle. This knowledge is critical because students must understand the diversity of the tribal cultures in order to respect the agreements and laws that support them.

For activities 2 and 3, teachers must describe and establish the crucial concept of sovereignty in the history of Wisconsin Indians, and the meaning of their initial agreements with the U.S. government. Students must recognize that the U.S. government officially recognized, not only by its treaty language but by the very act of entering into a treaty, that the Indian tribes are sovereign nations. Whether students have studied tribal issues during their elementary-school years or not, all students at the middle-school level should have studied sovereignty in the context of the U.S. Constitution and state and local government frameworks.

The role-playing in activity 4 of the government trading systems should allow students to make some personal connections with either the "buyers" of the U.S. government or the "sellers" of the Indian tribes. Teachers must make the primary point that the fur trade relationship was of intentional economic disadvantage to the Indians, even though the government had espoused dealing in good faith. Teachers should not be surprised if disagreements exist in the classroom about the ethics of winning a business deal.

The Great Seal of Wisconsin, which is the focal point of activity 5, is a tremendous visual aid around which to build a discussion about the government policy of removal. In studying the nineteenth-century argument of civilization versus barbarism, students should comprehend that the outcome of that debate, the policy of removal that resulted in the loss of so much Indian land, was directly connected to cultural judgments.

The first-hand accounts of reservation and boarding school life in activity 6 offer students the chance to find a personal link between their own lives and those of Indian youth. By making that connection to the Indian students in the government-run schools, today's middle-schoolers may find the legislation aimed at forced acculturation and assimilation in activity 7 akin to the limitations they may feel in their own communities.

Teachers will want to use the Indian Reorganization Act of 1934 as the legislative focus for this broader study of the court system's reaffirmation of tribal rights. In activity 8, the key concept behind a discussion of both the New Deal legislation and more recent laws is tribal resistance to forced acculturation and assimilation.

Self-determination and the reaffirmation of tribal sovereignty are the ending notes for the middle-level activities, and their connection to the sovereignty that tribes traditionally held before the appearance of European settlers is one way to bring the lessons of the activities full circle.

Teacher Preparation Strategies

- Teachers must determine, as they prepare to use these activities, how they wish to handle government and constitutional studies in accord with treaty and tribal sovereignty issues, whether they want to integrate the treaties information or keep it a separate unit.
- It is recommended that teachers integrate as much tribal sovereignty information as possible into the social studies curriculum.
- Limited preparatory time will dictate the number of treaties most teachers will be able to read and analyze, especially during the initial use of this material.
- Teachers should plan on using a limited number of treaties when they first teach with these activities.
- Using a treaty or treaties from a tribe in the local region of the state is highly recommended. Expanding to other treaties and tribes after initially teaching about a local tribe may be more beneficial to the students and teacher alike.
- The thought of absorbing all 29 treaties for any one activity, for most busy teachers, is understandably overwhelming. When preparing to use this material for the first time, teachers do not need to read every treaty in its entirety.
- Observant students may notice inconsistencies in spelling and formatting in the fundamentals and treaties. Teachers can use the variations to show students the confusion that existed in the language among non-Indians. This reflected the overall potential for miscommunication and misunderstanding of the treaties.
- It is not suggested that teachers start reading the fundamental or treaty sections in their entirety, separate from the activities. A better approach is to read the activities

section, becoming familiar with the fundamentals and treaties listed in each separate activity.

General Expectations of Students

- If a student asks questions that are off the main issues or concepts that are planned for the lesson, that curious student can function as a background researcher and help add to the teacher's knowledge base of the material.
- Students can contact tribal members and be responsible for a visit of a representative to the classroom.
- The journal is an important analytical, creative tool for this age group.

Teaching Strategies

- Teachers must be open to alternating the treaty selection every time they teach this unit of activities.
- By experimenting with the number of treaties students study and alternating the focus on different tribes or different issues, teachers can gradually absorb the larger information base every time they teach the unit of activities.
- Even if teachers determine at some point that a set number of treaties is useful for a certain grade level, they need to vary their treaty coverage in order to gradually absorb the larger information base that this material demands overall.
- There are many procedures listed for every activity. Teachers are encouraged to adjust the procedures to fit the time available. Teachers may opt to use only those procedures they deem key to a given activity, as long as the students have comprehended the concepts of each activity.
- Another recommended strategy is to use treaties with specific topics and themes, such as treaty stipulations on land cessions, education and training clauses, or acculturation.

Wisconsin Indian Peoples

Objectives

By the end of this lesson the student will

- be able to identify some of the common social, cultural, linguistic, and economic characteristics of Wisconsin's Indians.
- be able to identify some aspects of the diversity of American Indian life represented by Wisconsin Indians.
- gain an appreciation for the family, clan, and tribal structures of Wisconsin Indian societies.

Concepts

- Today, 11 tribes or bands of Indians living in Wisconsin are federally recognized. Historically, there were other tribes that called Wisconsin their home.
- The Brothertown Indians of Wisconsin were once recognized by the federal government as a separate tribe or nation; they are now seeking re-acknowledgment of federal recognition as a tribe.
- In addition to the Forest County Band of Potawatomi Indians, the Potawatomi Indians living in Wisconsin today include members of the Prairie Band of Kansas.
- Three distinct Indian language families (Algonquian, Iroquoian, and Siouan) exist in Wisconsin today.
- Traditionally, Indians organize themselves into clans, groups that usually comprise several different families claiming a common ancestor known for certain characteristics.
- Some Indians were organized into separate bands that served as the basis of their economic support as well as political organization.
- The traditional Indian concept of land ownership stresses land use by all members of the tribe rather than the concept of private property.
- All members of Indian families took part in the seasonal subsistence activities from which they maintained their lifestyle and culture.
- The various seasonal activities that Indians performed to maintain themselves on their land relied on the labor of all members of the family, band, or tribe and together comprised a complete work cycle repeated annually.
- Traditional Wisconsin Indian peoples subsisted by harvesting a wide variety of plants, fishing, and hunting and trapping various animals.

Fundamentals

- 1, Pretest on Indian Treaty Rights and Tribal Sovereignty
- 2, Maps
- 3, Tribal Facts
- 4, Seasonal Traditional Activities
- 5, Traditional Family and Clan Relationships
- Blank map of Wisconsin (teacher-generated)

Procedures

- Give the students the pretest (fundamental 1). The topics covered in this test will be addressed over the course of these activities.

- Make copies of the blank map of Wisconsin and distribute it to the students. The students should work in pencil on their reproduced map, marking where they believe the modern reservations and communities of Wisconsin Indians are. After they have completed their work, show them the actual location of current reservations and Indian communities, using fundamental 2, and discuss whether their perceptions were correct. Be sure that they list all of the tribes. Use fundamental 3 as a teacher resource. Explain that the Brothertown, Ho-Chunk (formerly known as Winnebago), and Wood County Potawatomi Indians do not currently have reservation lands in Wisconsin. (This topic will be dealt with in more detail in subsequent activities.)
- Distribute copies of fundamental 3 or make a transparency that lists each of the tribes and the linguistic group to which it belongs. Ask the students to list all of the tribes by linguistic group. Historically, the Indians of the Wisconsin region lived and worked in a dynamic intertribal environment. Many were conversant in several languages. Indians of tribes and bands other than the Chippewas knew that tribe's language, Ojibwa, and this knowledge stretched more than a thousand miles from east to west across the whole of the Great Lakes region.

Note: While most Wisconsin Indians belong to the Algonquian language family, not all Algonquian languages are mutually intelligible. Mohican, (often spelled Mahican) an eastern Algonquian language spoken by the Stockbridges, for example, differs significantly from the central Algonquian languages spoken by the Chippewas, Potawatomis, and Menominees. In turn, each of the languages spoken by those three tribes differ from one another as English does from German. Both English and German are members of the Indo-European language family, and both are west germanic languages, but certainly are not mutually intelligible. Similarly, Algonquian, Iroquoian, and Siouan languages differ from one another as Chinese, a member of the Sino-Tibetan language family, differs from English. These tribal languages, like Chinese and English, are from entirely different language families.

- Have students list various resources that Indians might use to sustain their lifestyle. Make sure students include those listed on fundamental 4.
- Ask the students to name the different seasons when these activities might take place to maximize productivity.
- Have students draw a chart showing the seasons when various subsistence activities of the Indians might take place. Some activities may fit into more than one season.
- Distribute fundamental 5. As a class or in small groups, discuss how Indian family work roles reflected the seasonal work cycle.
- Have the students begin a journal in which they answer the identified questions following each lesson.
- Journal questions:

Select two different groups of Wisconsin Indians from fundamental 3.

— What things do they share in common? What things do they not share in common?

— How did Wisconsin Indians rely on the land for subsistence?

— Do you have a work cycle?

— Are there aspects of the work cycle of the Indians of Wisconsin like your own? Are there aspects of the work cycle of the Indians of Wisconsin that are unlike your own?

— What do you think the following Ho-Chunk saying means: Holy Mother Earth, the trees and all nature, are witnesses of your thoughts and deeds. (McLuhan, 1971)

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Common Attributes of Nations and Indian Tribes

Objectives

By the end of this lesson the student will be able to identify

- some of the important attributes that define a sovereign nation.
- the attributes of a sovereign nation that relate both to the United States and to Indian tribes and bands.
- specific treaties in which Indian tribes are referred to as nations.

Concepts

- Indian tribes enjoy the ability to govern, make and enforce laws, and direct internal political and social affairs within their respective borders. These are important aspects of sovereignty.
- Tribal members enjoy property rights that include the right to hunt, fish, and gather on the reservations.
- The Chippewa Indians reserved the right to hunt, fish, and gather on ceded territory when they signed treaties with the United States.
- The United States and Indian tribes are similar in that they have separate governing bodies and separate legal systems, and are politically sovereign nations.
- A treaty is a formal and binding agreement between two nations and, according to the Constitution of the United States, treaties entered into by the United States are part of "the supreme Law of the Land."

Fundamentals

- 5, Traditional Family and Clan Relationships
- 7, Tribal Sovereignty
- 21, Tribal Governments
- Cards with the names of different nations written on them (teacher-supplied)

Treaties

- 1, Treaty of Greenville between the United States and the Chippewa, Potawatomi, and Other Tribes of the Great Lakes Region (1795)
- 2, Treaty between the United States and the Sac and Fox Indians (1804)
- 3, Treaty between the United States and the Winnebago Nation (1816)
- 4, Treaty between the United States and the United Tribes of the Ottawas, Chippewas, and Potawatomis (1816)
- 5, Treaty between the United States and the Menominee Nation (1817)
- 6, Treaty of Green Bay between the Menominee and Winnebago Nations and the Brothertown, Munsee, Oneida, Stockbridge, and Other New York Indian Nations (1821)
- 7, Treaty of Prairie du Chien between the United States and the Sioux, Chippewa, Sac and Fox, Menominee, Winnebago, a Portion of the United Tribes of Ottawas, Chippewas, and Potawatomis, and Other Tribes (1825)
- 10, Treaty between the United States and the United Nations of Chippewa, Ottawa, and Potawatomi Indians (1829)
- 11, Treaty between the United States and the Winnebago Nation (1829)

- 12, Treaty between the United States and the Menominee Nation with Supplementary Articles (1831)
- 13, Treaty between the United States and the Menominee Nation with Appendix between the United States and Brothertown, Stockbridge and Munsee, and the Six Nations and St. Regis Tribe (1832)
- 14, Treaty between the United States and the Winnebago Nation (1832)
- 15, Treaty of Chicago between the United States and the United Nations of Chippewa, Ottawa, and Potawatomi Indians (1833)
- 16, Treaty of the Cedars between the United States and the Menominee Nation (1836)
- 17, Treaty between the United States and the Chippewa Nation (1837)
- 18, Treaty between the United States and the Sioux Nation (1837)
- 19, Treaty between the United States and the Winnebago Nation (1837)
- 20, Treaty of Buffalo Creek between the United States and the Brothertowns, Munsees, Oneidas, St. Regis, Stockbridges, and Other New York Indian Nations (1838)
- 22, Treaty between the United States and the Stockbridge and Munsee Tribes (1839)
- 26, Treaty between the United States and the Chippewa Indians of Lake Superior and the Mississippi (1854)
- 28, Treaty between the United States and the Stockbridge and Munsee Tribes (1856)

Procedures

- Ask the students to help formulate a definition of the word "sovereignty." Begin by pointing out the root word "sovereign" and use the glossary definition as well as fundamental 7 to help them define the term.
- Divide the class into small groups and distribute to each group one card (teacher-generated) with the name of a nation on it.
- Ask the groups to list the characteristics that identify the nation listed on their card as a nation. Teachers may suggest possible attributes such as common language, political structure, physical boundaries, and so on.
- When all groups have completed their lists, reproduce on the chalkboard or overhead a master list of the most common or basic attributes listed by the students. **Note:** The teacher may wish to include information from fundamental 7 that may not have been listed by the students. In addition, the teacher may wish to make transparencies from the photographs in fundamental 21 to help the students understand the ways in which nations and tribes are identical.
- Distribute fundamental 5 to students and generate a discussion of the family-clan-band structure of Wisconsin Indians. Have the students identify from the master list those attributes that also apply to this structure. Focus on clan structure as an outgrowth of family structure. Teachers may want to identify for the students the nature of the family-clan-band structure, using the glossary as a resource.
- Have students locate articles in newspapers and magazines that reflect major concerns and issues that affect nations and focus upon the issue of property rights.
- Divide the class into three groups. Provide each group with two or three of the treaties listed earlier in this activity. Ask the students to review the documents and to report back to the class as to whether the Indians were referred to as belonging to tribes or nations. Because many of the treaties refer to the same Indians (for example, the Winnebagos, now called Ho-Chunks, in their treaty of 1837) as belonging to a tribe and a nation, indicate to the students that treaty negotiators consider the terms interchangeable. Students should conclude that the term *tribe* is equated with the term *nation*, and each tribe was and continues to be an individual nation.

- **Journal questions:**
  - **What is your definition of *sovereignty*?**
  - **How is tribal sovereignty similar to the sovereignty of the United States or other nations?**
  - **How did the United States weaken tribal sovereignty?**
  - **Do you think Indian tribes still have tribal sovereignty today? To what extent do Indian tribes control their own affairs?**
  - **How could the concerns of nations identified in the media be similar to those that affect Indian tribes?**

The Constitutional Framework of Treaty Making

Objectives

By the end of this lesson the student will be able to

- identify some of the important aspects that define the historical and legal basis of treaty making between the United States and Indian tribes.
- understand the impact of treaty making on Wisconsin Indians.
- explain the significance of the phrase "good faith" in the Northwest Ordinance of 1787.
- identify the portions of the U.S. Constitution that concern Indians and treaty making with foreign nations.
- identify some of the various purposes of treaty making for the United States and the Indian tribes.
- identify some of the benefits treaties provided to the United States and the Indian tribes.

Concepts

- For treaty negotiations to take place fairly, both parties must give their consent to the agreement at hand and should fully understand all aspects of the agreement.
- Negotiations between the United States and Indian tribes occurred before treaties were signed, but the Indians who signed treaties frequently did not represent the larger group and as a result, many Indians often felt slighted by the resulting treaty.
- Treaty negotiations between the United States and Indian tribes were, according to the Northwest Ordinance, supposed to take place in "good faith" with both parties acting truthfully and honestly.

Fundamentals

- Complete copy of the U.S. Constitution (teacher-supplied)

Treaties

- Treaties 1 through 29

Procedures

- Reproduce the following statement from the Northwest Ordinance of 1787 and explain to the students that this document established the territory that included present-day Wisconsin:

> The utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them. (*Journals of the Continental Congress*, Vol. 32)

The Northwest Ordinance is considered one of the three pillars on which the government of Wisconsin is based; the others are the U.S. Constitution and the Constitution of the State of Wisconsin. (Wisconsin Legislative Reference Library, 1958) Ask the students what they think the reference to "good faith" means in the document. How could the U.S. government demonstrate "good faith" in its dealings with the Indians?

Note: The rest of these middle-level activities involve a study of the U.S. Constitution as a whole. Teachers must determine whether to use this activity prior to a broader study of the constitution, or as an integrated activity. The activities that follow, activities 4 through 9, do build on this knowledge to some extent. Teachers should assess their schedules and lesson plans and decide how to proceed.

- As part of a class discussion or as group-work, ask the students to identify and list the sections of the Constitution that apply to treaties and Indians. The following sections should be identified:

References to Indians in the United States Constitution. Article I, Section 2, Clause 3—Indians not taxed. "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years and excluding Indians not taxed, three fifths of all other Persons."

Article I, Section 8, Clause 3—Commerce Clause. "[The Congress shall have Power] . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

Article II, Section 2, Clause 2—Treaty Clause. "[The President] . . . shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur . . . . "

Article VI, Clause 2—Supremacy Clause. "This Constitution and the Laws of the United States . . . and all Treaties made, or which shall be made, . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution of Laws or any State to the Contrary notwithstanding." (Dollar, et al., 1984)

- Divide the class into groups and distribute one of the 29 treaties to each group. Ask each group to study and report back to the entire class: (1) the specific purpose of the treaty (such as "peace and friendship," land cession, removal, etc.); (2) any references in the treaty that relate to reserved rights or privileges retained by the Indians; and (3) any references in the treaty specific to commitments by the United States to the Indians.
- Ask the students to identify treaties with nations other than Indians into which the United States has entered. Good examples of such treaties include the Webster-Ashburton Treaty of 1842, which helped establish the northern U.S. border with Canada, or the Treaty of Guadalupe-Hidalgo of 1848, which established the U.S. border with Mexico.
- Ask the students to identify if there are time limits or other conditions that would make the treaty they examined invalid. For example, many of the treaties contain clauses that provided for annuities, goods, and services for a specified period of time. Some treaties contain provisions that were to last "during the pleasure of the President."
- Journal questions:

— How many years does it take to make a treaty invalid? Are there any valid Indian treaties?

— How does the U.S. Constitution protect the rights identified by treaties?

— What benefits did the treaty you examined provide for the United States? For the Indians?

References

Dollar, Charles, Joan Gunderson, Ronald N. Satz, H. Viscount Nelson, Jr., and Gary W. Reichard. *America Changing Times: A Brief History*, 2nd ed. New York: John Wiley and Sons, Inc., 1984, pp. A4-A9.

Journals of the Continental Congress. Vol. 32, 1774-1789. Washington DC: GPO, pp. 340-41.

Wisconsin Legislative Reference Library. *The Wisconsin Blue Book*, 1958, p. 215.

Early Federal–Indian Policy in Wisconsin

Objectives

By the end of this lesson the student will

- be able to explain how the trading system promoted treaty making.
- have experienced the advantages the traders and the government had over the Indians.
- be able to define the annuity system, and to identify some of the drawbacks of the system for the Indians.

Concepts

- The United States developed a system of government-run trading houses in the late eighteenth century called "the factory system," designed to run the Indians into debt, and used the debt to acquire lands cheaply in trade.
- The United States made treaties with Indian tribes to promote "peace and friendship," to establish boundary lines, and to secure land cessions.
- Treaties often led to misunderstandings because of the language differences between Indians and non-Indians.
- The payments made to Indians for lands they sold to the federal government were called annuities. The annuity system provided the framework for the distribution of payments to the Indians on an annual basis for a set period of years.

Fundamentals

- 10, Making Indian Chiefs
- Cards representing various trade goods and animal skins (teacher-generated)

Procedures

- Divide the class into two groups, one playing the role of Indians desiring trade goods, and the other playing the "traders" desiring animal pelts.
- Distribute the chart in table 1 to the students and explain that the Indians may trade only with the traders present to acquire the desired trade goods listed. For the actual trade, develop cards representing individual trade goods and beaver skins. The chart (based on Danziger, 1978) shows the cost of several items that were often crucial to the Indians involved in the fur trade.

Table 1

Trade Relations Chart

Trade Goods Sold on Credit	Indians Must Pay in Beaver Skins
Gun	20
Knife	1
One Pound Axe	2
Pound of Powder	2
Pound of Shot or Ball	1
Stroud Blanket	10
White Blanket	8

- Provide the following instructions in writing to each group separately. Do not let each group know the instructions given to the other one.

Traders: You may change the price of any of the goods listed in the chart because you *must* acquire 500 beaver skins or promises of beaver skins during the trading session. If the Indians do not have enough skins, you can extend credit to them.

Indians: You must acquire five of each of the items listed in the chart. The price charged for each item is up to the traders. Each of you only has ten skins and the trapping season is over.

Note: The teacher may manipulate the number of goods or skins to fit the class size or Indian trade deficit. At the end of the trading session, however, the Indians should be in debt to the traders.

- Following the trading-session activity, ask the students to explain how they felt about the other side in the exchange.
- Using the glossary definition, explain to the students the nature of the factory system and read to them or distribute Jefferson's comments below.

President Thomas Jefferson to William Henry Harrison, February 27, 1803. "To promote this disposition to exchange lands, which they [Indians] have to spare and we want, for necessaries, which we have to spare and they want, we shall push our trading [ho]uses, and be glad to see the good and influential individuals among them run in[to] debt, because we observe that when these debts get beyond what the individuals can pay, they become willing to lop them off by a cession of lands." (Lipscomb, 1903)

- Ask the students to examine the documents in fundamental 10 for evidence as to the extent of Indian debt to traders.

Note: Most of the treaties include a list of the debts owed by the Indians. It was not uncommon for many of the individuals or companies who had loaned money for goods to the Indians to inflate the prices of these goods and to be represented at the treaty negotiations by individuals who urged the Indians to cede lands to pay off their debts.

- Explain to the students that although the United States paid for ceded Indian lands, the money was usually not given directly to the tribe at one time. Annual payments called annuities were made in either cash or by the distribution of goods.
- Journal questions:

— Which side in the trade relationship was at a disadvantage? Which side had an advantage? Why?
— How could the traders have manipulated the trade relationship if they wanted to acquire Indian land but were unwilling to pay the going price for it?
— Identify the ways in which the students' trade relationship resembled that described by Jefferson.
— Identify the ways in which Jefferson's ideas resemble the factory system.
— How would you feel if you sold your bicycle and the person buying it said that she would pay for it over a 20-year period?

References

Danziger, Edmund J., Jr. *The Chippewas of Lake Superior*. Norman: Univ. of Oklahoma Pr., 1978, p. 4.

Lipscomb, Andrew A., ed. Vol. 10 of *The Writings of Thomas Jefferson*. 20 vols. Washington, DC: Thomas Jefferson Memorial Assn., 1903, pp. 363-73.

Wisconsin Indian Land Cessions and Resistance to Removal

Objectives

By the end of this lesson the student will be able to

- identify on a map the Indian land cessions in his or her region of the state.
- explain the relationship between the Great Seal of Wisconsin and Indian land cessions.
- identify some reasons the U.S. government sought to remove Indians from Wisconsin while removing others to the state.
- identify tribes that were successful in resisting removal.
- be familiar with the concept of land cessions and be able to explain the process by which all lands in Wisconsin were acquired from the Indians.
- identify the tribes that were removed.
- identify several examples of Indian resistance to removal.
- explain why some Indians avoided or evaded removal from Wisconsin.

Concepts

- The United States eventually acquired most lands in Wisconsin by the means of land cession treaties.
- The Great Seal of Wisconsin depicts the philosophy of Indian removal; on it, Euro-American society, which represented supposed civilization, replaced Indian society, which represented supposed barbarism.
- Many non-Indians believed it was their "manifest destiny" to spread across the United States and acquire the lands of peoples they believed to be less civilized than themselves.
- The Sac and Fox and the Sioux Indians lost all lands in Wisconsin to the U.S. government.
- The Winnebago (now called Ho-Chunk) and Potawatomi Indians were removed from Wisconsin but many of them returned.
- The Chippewa and Menominee Indians successfully avoided government efforts to remove them.
- While removal of Indians *from* Wisconsin was a goal of government policy, the Brothertown, Oneida, and Stockbridge-Munsee Indians acquired land in the state from Wisconsin Indian tribes, and were removed *to* Wisconsin.

Fundamentals

- 2, Maps
- 3, Tribal Facts
- 11, The Indian Removal Policy
- 15, Those Who Remained without Reservations
- 34, Recognizing the Unrecognized
- Blank map of Wisconsin (teacher-generated)

Treaties

- Introduction
- Treaties 1 through 29

Procedures

- Ask the students to locate the following areas or points on a blank map: (1) the student's hometown, (2) the area they believe the Indians living on the nearest Indian reservation or community sold to the United States. Display a transparency of the "Wisconsin Indian Land Cessions, 1804-1848" map from fundamental 2, and have the students recognize the lands that Indians in the local area actually did sell. Using either paper copies or a transparency of the Great Seal of Wisconsin from fundamental 11, ask the students if they can identify on the seal itself possible reasons for the government to want to acquire Indian lands in Wisconsin. **Note:** The teacher should translate the Latin motto "Civilitas Successit Barbarum" (Civilization Succeeds Barbarism) for the students and point out that the settler is plowing a field with various signs of American civilization surrounding him while the Indian faces west. At this time the teacher should explain the concept of "manifest destiny" to the class, using the glossary.
- Select several treaties that include tribes that ceded lands in the local region of the state. Ask the students to read the general introduction to the treaty section and the oratory sections related to the treaties selected. Ask the students to report on the Indians' sentiment to the government requests for Indian land cessions. **Note:** Fundamental 15 contains information on five Indian tribes that remained in Wisconsin without reservations, including the Ho-Chunks who were among the Indians who most persistently resisted removal from Wisconsin.
- Based on the information provided in the oratory sections accompanying the treaties, ask the students to make a list of major reasons why the Indians resisted removal. Using fundamentals 2 and 3, ask the students to compare and make a list of the tribes who were unsuccessful in resisting removal. **Note:** As a possible homework assignment, teachers might ask the students to do a brief library project on the Eastern Sioux and the Sac and Fox to determine where these important tribes are presently located.
- Using fundamentals 2 and 3, explain to the students that some Indian tribes acquired land from other Indian tribes and removed to Wisconsin from the east. **Note:** Today's Wood County Potawatomi and Ho-Chunk settlements are not the result of treaty provisions but, rather, the result of the refusal of these Indians to settle permanently in areas outside of Wisconsin. Fundamentals 15 and 34 provide background information that explains the situation of these Indians.
- Treaty 6 is the only treaty in the collection that was negotiated between tribes. Teachers may wish to review this treaty with students as an additional activity and ask the students to speculate and discuss why the "New York" Indians were willing to remove to Wisconsin.
- Journal questions:
  - — Why do you think non-Indians sought to acquire Indian lands in Wisconsin?
  - — Do you think the land cessions were fair to the Indians? Why?
  - — How do you think the Potawatomi and Ho-Chunk Indians were able to evade or resist their official government removal from Wisconsin?
  - — Place yourself in the position of Wisconsin Indians in the 1830s. How would you have reacted to the Great Seal of Wisconsin?
  - — How would you respond if the government insisted on purchasing your land for a new highway, and moving you to a new community selected by the government?

Survival During the Reservation Era

Objectives

By the end of this lesson the student will be able to
- identify how the reservation system in Wisconsin affected the lifestyles of Wisconsin Indians.
- identify the pressures of various outside forces on the Indians living on reservations.
- be able to understand that reservations could not support all the subsistence needs of the Indians.
- identify reasons why Indians looked beyond the reservations for their subsistence needs.

Concepts

- Compared to the lands that Indians lived on before their land cessions, Indian reservations, including any of the present reservations in Wisconsin, are small pieces of land with carefully surveyed boundaries.
- The seasonal cycle that the Indians used to support themselves became very difficult to maintain on the reduced land base of reservations.
- The United States planned for the removal of many Indian tribes from their aboriginal lands east of the Mississippi River to organized lands west of that river, but the Chippewas and the Menominees remained in Wisconsin and secured treaties providing reservations within the state in the early 1850s.

Fundamentals

- 2, Maps
- 4, Seasonal Traditional Activities
- 5, Traditional Family and Clan Relationships
- 14, Reservation Life
- 15, Those Who Remained without Reservations
- Blank map of Wisconsin (teacher-generated)

Treaties

- 20, Treaty of Buffalo Creek between the United States and the Brothertowns, Munsees, Oneidas, St. Regis, Stockbridges, and Other New York Indian Nations (1838)
- 26, Treaty between the United States and the Chippewa Indians of Lake Superior and the Mississippi (1854)
- 28, Treaty between the United States and the Stockbridge and Munsee Tribes (1856)
- 29, Treaty between the United States and the Menominee Tribe (1856)

Procedures

- Distribute copies of treaties 20, 26, 28, and 29 (teachers may choose to use fewer treaties) to the students and ask them to locate the provision in each relating to the establishment of reservations in Wisconsin.
- Distribute a blank map of Wisconsin to each student, and project the maps in fundamental 2 on a screen. Have the students draw in the cession lines and the modern

reservations and Indian communities on their map. Explain that some Indians received reservations at a much later date than those discussed above while others still do not have reservations in Wisconsin. Fundamental 15 provides the background information for this discussion.

- Ask the students to identify how the formation of reservations would affect the seasonal activities described in activity 1 and depicted in the seasonal activity chart of fundamental 4.
- Ask the students how reservations would affect the traditional family structure and work roles.
- Ask the students to identify how the establishment of reservations might affect tribal societies.
- Distribute fundamental 14 and have the students compare their own speculation with actual accounts from Indian agents. Ask students to consider what outside pressures were on Indians living on the reservation. **Note:** The students need to know that lumber, railroad, mining, and land interests were active throughout the nineteenth century, and all were eager to obtain Indian land and resources.
- Journal questions:

— What effect did reservations have upon the subsistence activity of Wisconsin Indians?

— Which Indian tribes did not have reservations in 1875? (Mole Lake and St. Croix Chippewas, the Ho-Chunks, and the Forest County Potawatomi)

— Based on your reading of fundamental 14, describe reservation life in 1875.

Acculturation, Assimilation, and Traditionalism

Objectives

By the end of this lesson the student will be able to identify
- the impact of reservations and boarding schools on tribal societies.
- the major government policies designed to acculturate and assimilate the Indians.
- the results of the Dawes Severalty Act on Wisconsin Indians and their lands.
- the impact of federal efforts to acculturate and assimilate the Indians.
- explain the connection between federal Indian policies and the regulation of hunting, fishing, and gathering in Wisconsin.

Concepts

- United States government officials worked toward the acculturation of the Indians, hoping that their traditional or tribal cultures could be destroyed and replaced with non-Indian patterns of living.
- While many non-Indians favored the acculturation of the Indians, there was little assimilation or acceptance of Indians into non-Indian society.
- Advocates of Indian acculturation and assimilation favored sending Indian children to distant boarding schools to force them to speak only English and to adopt non-Indian patterns of living.
- Many Indian children greatly disliked the boarding schools, partly because they were separated from their families and homes for long periods of time.
- The federal government sought to reduce Indian communal land holdings by passing the Dawes Act in 1887, which aimed at partitioning reservations and assigning each resident adult Indian a parcel of land, known as an allotment, that an individual would privately own.
- Private property ownership was a symbol of acculturation and assimilation while communal property ownership was a symbol of traditionalism.
- Advocates of acculturation and assimilation favored the policy of partitioning reservation lands and assigning Indians parcels of land known as allotments.
- Between 1887 and 1934, Indian tribes in Wisconsin and elsewhere lost great quantities of land through allotment.
- All Indians were granted United States citizenship as a result of federal legislation in 1924 with the provision that this legislation did not interfere with their tribal status or treaty rights.
- The Citizenship Act of 1924 did not affect treaty rights of Wisconsin's Indians.

Fundamentals

- 6, Traditional Indian Life: A Photo Essay
- 13, Education Programs
- 14, Reservation Life
- 16, Indian Land Allotment and U.S. Citizenship
- 17, The Status of the Indians in the Late 1920s
- 18, Biographical Case Study: Excerpts from the Autobiography of a Winnebago Indian Woman Mountain Wolf Woman (1884-1960)
- 23, Indian Soldiers Defend the United States

Procedures

- Show the students the following audiovisual resource available from the Reference and Loan Library in Madison as a lead-in to a discussion of acculturation, assimilation, and traditionalism. If the video's availability is not compatible with the planned schedule, start with the next procedure.
  - *Mountain Wolf Woman, 1884-1960*. VHS/V-1904. Jocelyn Riley/Her Own Words, 1990. One videocassette: sound, color, 17 minutes. Pictures are used to illustrate the life story of Mountain Wolf Woman, a Ho-Chunk (formerly known as Winnebago) Indian born in Black River Falls, Wisconsin. Narration is based on Mountain Wolf Woman's words as told to anthropologist Nancy Oestreich Lurie. Teachers may wish to prepare students for this video by having them read selected portions of fundamental 18.
- Review with the students the concept of civilization as presented in fundamental 13. Share with the students the comments about the role that boarding and other government schools were designed to play in the acculturation of Wisconsin Indians.
- Reproduce or display as a transparency the boarding school schedule in fundamental 13. Ask the students to compare this typical schedule of an Indian student with their own schedule. Remind the students that Indian children were often sent to distant boarding schools without their parents' consent and against their own wishes. Ask the students how they might respond under similar circumstances. Show the students the photos in fundamental 13 and ask them to note how boarding school life differed from their life.
- Using the glossary and fundamental 16, define the concept of allotment and explain how the federal government viewed this policy. Many non-Indians saw allotment as an important step in acculturation that would lead to full assimilation. After full assimilation, many non-Indians felt that most Indians would embrace U.S. citizenship. Using fundamental 16's map of Lac du Flambeau in 1934, "U.S. National Resource Board," and the essay, explain how the allotment policy led to the loss of Indian lands.
- Explain why the awarding of U.S. citizenship in 1924 had no impact on Indian treaty rights.
- Using fundamental 23, explain the role of Indian soldiers in defending the United States, and explain how their service in World War I led to the passage of the Indian Citizenship Act of 1924.
- Journal questions:
  - How do the pictures of traditional Indians (fundamental 6) and the boarding school pictures (fundamental 13), which were taken during the same time period, refute the government's plan of assimilation and acculturation of the Indians? Was the boarding school concept working?
  - Compare the education that was received at boarding schools with your own education.
  - Why did government officials believe that allotment would lead toward assimilation?
  - How would you feel about being sent to a boarding school against your will and not being able to go home whenever you wanted?
  - Describe the impact of allotment on a reservation.

Reaffirmation of Treaty Rights and Tribal Sovereignty

Objectives

By the end of this lesson the student will be able to

- explain several ways in which Wisconsin Indians were able to retain their tribal identities despite government programs designed to force their acculturation and assimilation into the dominant society.
- explain the significance of the Indian New Deal as a key building block for Indian self-determination in the twentieth century.
- identify several landmark federal court decisions reaffirming Wisconsin Indians' treaty rights.
- explain how the defense of treaty rights has assisted Wisconsin Indians in reaffirming their tribal sovereignty.

Concepts

- The poor economic, health, and living conditions of Wisconsin Indians in the 1920s showed the need for the reform efforts of the 1930s known as the Indian New Deal.
- Some Wisconsin Indians were reluctant to accept the New Deal programs such as the Indian Reorganization Act and placed greater emphasis on the protection of treaty rights and tribal sovereignty.
- Tribal self-government and treaty rights have been continuously challenged in federal courts by state officials, private interests, and anti-treaty rights activists who argue that Indian hunting, fishing, and gathering rights, among other things, should not continue.
- Self-government for Indian reservations and communities has been a major goal of those seeking to honor treaty rights and respect tribal sovereignty.

Fundamentals

- 7, Tribal Sovereignty
- 8, Chronology of Federal–Tribal Relations
- 17, The Status of the Indians in the Late 1920s
- 19, The Indian Reorganization Act of 1934
- 20, Tribal Responses to the Wheeler-Howard (Indian Reorganization) Bill of 1934
- 27, Indian Resurgence: From Termination to Self-Determination, 1961-91
- 32, Wisconsin Indian Treaty Rights

Procedures

- Using fundamental 17 for background information, provide the students with a brief overview of the condition of Wisconsin Indians during the 1920s. The teacher may wish to read (or have the students read) certain excerpts of this fundamental to the class. Using fundamental 19, explain the major changes that occurred in federal Indian policy in the 1930s, a time period known as the Indian New Deal. Indian reactions to these changes as documented in fundamental 20, clearly indicate that treaty rights and tribal sovereignty were a great concern to Wisconsin Indians. Excerpts of fundamental 20 may be shared with the students.

- Using fundamental 32, outline for the students some of the major federal court cases involving Wisconsin Indian treaty rights. Stress the types of issues that concerned Wisconsin Indians. For example, on- and off-reservation hunting, fishing, and gathering rights were a major concern in several of the cases.
- Using fundamental 27, identify for the students the major issues discussed by the participants at the Chicago Conference of 1961. Ask the students to identify the similarities between these issues and those addressed in the landmark court case of 1934, the Indian Reorganization Act.
- Show the students one of the following audiovisual resources available from the Reference and Loan Library in Madison, and then ask the questions provided at the end of this listing.

— *Indian Treaties*. VHS/V-2025. Institute for the Development of Indian Law, 1977. One videocassette: sound, color, ca. 60 minutes. Each of the four filmstrip programs on this videorecording—*The Nature of Treaties, Behind the Scenes, Treaty Changes and What Treaties Mean Today*, and *Comprehensive Review*—is followed by a series of questions and answers. Programs describe what a treaty is, give a historical overview of treaty making between the Indians and the U.S. government, and examine the status of Indian treaties today.

— *Treaties, Truth and Trust*. Milwaukee: Honor our Neighbors Origins and Rights (HONOR), 1989. Color, 16 minutes. Elected tribal officials and religious leaders from various denominations answer commonly asked questions about treaty rights and treaty law. Focused on Chippewa Indians in northern Wisconsin, the program is designed to promote respect for American Indians' tribal sovereignty, justice through affirmation of treaty rights, and recognition of government-to-government relationships.

— *Treaty Rights: Cultural Barriers, First Amendment Rights and Religious Freedoms: Workshop Presentation*. VHS/V-2031. DPI *Classroom Activities in State and Local Government*. DPI/LaFollette Institute, UW-Madison, 1989. One videocassette: sound, color, 60 minutes. Bishop William C. Wantland from the Episcopal diocese of Eau Claire, Wisconsin, describes misconceptions about American Indian treaty rights and asserts that treaty rights are based on the same legal principles that apply to all people. A transcription of his speech and a related question-and-answer session are presented as the introduction to a tribal government unit in the Wisconsin Department of Public Instruction's publication, *Classroom Activities in State and Local Government*.

After viewing one or more of these tapes, ask the students to discuss why treaty rights and tribal sovereignty are important for Wisconsin Indians today, just as these issues were important for their ancestors 100 years ago.

Have the students discuss the major issues presented in the videos.

- Journal questions:

— What do you consider to have been the three most difficult problems confronting Wisconsin Indians in the 1920s?

— What were some of the major changes in federal Indian policy in the 1930s?

— What do you think was the major significance of the Chicago Conference of 1961?

Tribal Sovereignty Today

Objectives

By the end of this lesson the student will be able to
- identify the types of tribal government in existence today in Wisconsin.
- explain how the tribal governments operate and what their functions are.

Concepts

- Tribal sovereignty existed long before the founding of the United States of America.
- The Northwest Ordinance of 1787 and the U.S. Constitution, ratified in 1789, recognized the nation-to-nation relationship between Indians and the United States and confirmed the sovereign identity of Indian nations.
- Although treaties with the U.S. government and other federal actions have limited some of the power of Indian tribes, Indian sovereignty remains.
- Wisconsin Indians have exclusive jurisdiction in defining tribal membership and regulating economic activity on their tribal lands.
- The federally recognized tribes in Wisconsin have faced practical problems in exercising their sovereign and treaty rights because of state interference, the opposition from some non-Indians, and their limited economic resources.
- As Wisconsin Indians face the twenty-first century, self-determination, preservation of reserved treaty rights, the promotion of tribal property, and the general welfare remain uppermost on their minds as citizens of their tribe and of the United States.

Fundamentals

- 7, Tribal Sovereignty
- 17, The Status of the Indians in the Late 1920s
- 19, The Indian Reorganization Act of 1934
- 20, Tribal Responses to the Wheeler-Howard (Indian Reorganization) Bill of 1934
- 21, Tribal Governments
- 22, Tribal Courts, Tribal Judges, and Indian Law in Wisconsin
- 27, Indian Resurgence: From Termination to Self-Determination, 1961-91
- 31, State Legislation, Executive Orders, and Legal Opinions
- 32, Wisconsin Indian Treaty Rights
- 33, Indian Gaming and Economic Development

Treaties

- Treaties 1 through 7, 10 through 20, 22, 26, 28

Procedures

- Using fundamental 7 and the glossary definition of *sovereignty*, define sovereignty. Point out that long before the establishment of the United States, Indian tribes made and enforced their own laws, determined their own membership, regulated trade, protected their borders, and negotiated relations with other tribes.
- Ask the students if they remember the provisions of the Northwest Ordinance and the U.S. Constitution that specifically recognize the obligation of the United States to deal

with the Indian tribes through treaty making. Remind the students that treaty making is nothing less than nations making contracts with one another. To help make this point, review with the students one of the treaties listed for this activity, all of which refer to Indian tribes as nations.

- Before proceeding with additional information on sovereignty, point out that a nation does not lose its sovereignty because some of its powers are limited or restricted. Point out examples of nations that have surrendered or lost certain powers but continue to be recognized by other nations as sovereign powers. **Note:** For example, nations leasing lands to other nations by treaty may have temporarily lost control over those lands for a period of time in return for goods, services, or money while still retaining control over the remainder of their territory. A specific example in Europe of a nation that has given up certain powers is the tiny (24 square mile) nation of San Marino, located completely within the boundaries of modern Italy. San Marino, which has been independent since 300 A.D., entered into a treaty with Italy in 1862, giving up some powers in return for services and benefits. San Marino uses the Italian monetary system, allows Italy to handle much of its international affairs and to provide protection, and receives financial assistance from Italy. Nevertheless, San Marino retains its independence as a sovereign nation and is a member of the International Court of Justice.

Teachers may also wish to refer the students to fundamental 12, Chief Justice John Marshall's depiction of the Indian nations as "peculiar," and use the glossary definition of *wardship* to describe the concept of the federal–Indian trust relationship.

- Fundamentals 17 and 31 provide background information on the difficulties facing Wisconsin Indians, due largely to state interference, the attitude of some local non-Indians, and the limited economic resources that the tribes possess. Present these difficulties to students, and emphasize that despite these limitations, Wisconsin Indians have resisted efforts to terminate their tribal communities and to force their assimilation into non-Indian society.
- Ask the students if they have seen a growing emphasis placed on tribal sovereignty by Wisconsin Indians today. Ask them to bring in newspaper or magazine clippings that show this.
- Journal questions:

— How is tribal sovereignty similar to American sovereignty? How is it different?

— What kinds of problems have federally recognized tribes in Wisconsin encountered in exercising their sovereignty and treaty rights?

Resources

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High-level Activities

3

Introduction
Wisconsin Indian Peoples
The Constitutional Framework of Treaty Making
Treaties and Treaty Making
The Impact of Treaty Making on Wisconsin Indians
Reservation and Non-Reservation Indians
Dual Citizenship
A New Deal for Wisconsin Indians
Assaults on Tribal Sovereignty and Treaty Rights, 1945-60
The Reaffirmation of Tribal Sovereignty and Treaty Rights, 1961 to the Present
Resources

Introduction

There are many advantages to teaching this material at the high school level, the most obvious being that students at this age generally can read and analyze more sophisticated documents than younger students. But there are also many other reasons why students at this age are excellent candidates for understanding and applying the information they learn in this course.

Although adolescence is far from over, and decisions regarding career paths are just being planned, at the high-school level most students have begun to realize that there is a world beyond themselves and their school life. Many students are in the process of applying to college and other schools, or making long-term employment plans as apprentices and interns. It is a time when students may be developing their sense of activism and a social or political awareness, which may lead them to form strong opinions about the treatment of Indians and the history of tribal sovereignty in the state.

Many are also working for the first time. This particular fact might make students more sensitive to, or at least aware of, the difficulty of handling money, either at work or in their own finances. Teachers could draw on student experiences in this area, both successful and unsuccessful, to help shape class discussions of the problems the Indians experienced in their trade relations and other currency-related problems. Students who work are also paying taxes and experiencing the impact that taxes have on the size of their paychecks. These students may have a stronger response than younger students to the taxation issues in the various activities. On the one hand, they may resist the idea that tribal members who are not taxed in the same way as non-Indians are not receiving preferential treatment. On the other hand, students might recall the difference that "student discounts" and "student rates" may play in their lives, and consider their own response if anyone ignored those agreed-upon policies.

Simply said, high school students are burgeoning adults—planning for the future, working at a job, paying taxes—all while going to school. Their use of the activities will shape a new generation's views on tribal sovereignty in Wisconsin.

The following descriptions highlight the key points of the activities. Teacher preparation strategies, general expectations of students, and teaching strategies follow the descriptions, and suggest some basic ways to organize and present the information as effectively as possible.

Activity Descriptions

The popularity of hunting and fishing for sport, or camping in Wisconsin may play a role in activity 1's focus on Indian reliance on the land, and family-clan-band structure. Family outings and trips with friends to the state's natural land and water resources are a regular part of many student's lives. A discussion of natural resources can also be linked to activity 9's discussion of the reaffirmation of treaty rights.

In activity 2, the information on the U.S. Constitution and the Northwest Ordinance will be familiar to students at this level. As school districts integrate material on treaty rights into the social studies curricula, teachers should be aware of the risk of redundancy in this area. Reviewing the elementary- and middle-level activities about the constitution and surveying or otherwise assessing students on their background on these issues will help keep the material from being stale. In this vein, teachers may want to approach this activity as review material.

The role playing of the treaty negotiations in activity 3 provides a break from the lecture style of the other activities. Whether it is in a relaxed environment or not, students must comprehend that the treaty negotiation process favored the more powerful United States over the diverse tribal nations.

Activity 4 builds upon the basic information about the concept of manifest destiny, visualized so powerfully by the nineteenth-century Great Seal of Wisconsin. Where elementary- and middle-level students learned that cultural bias existed in various forms, older students in this activity must analyze *how* the federal government implemented that cultural bias. Teachers will need to show that state and federal governments used any means necessary, including withholding annuity funds and interfering with tribal politics, to achieve their goals.

Activity 5 has students explore the primary policies of the federal government, removal and reservations. The key concept for students to grasp is the diversity of experiences that these two policies created. Students must realize from this information that there is no one Indian experience or tradition. Teachers may want to review elementary-level activity 6, which covers the same concept, for ideas.

Activity 6 at the high-school level revolves around the compatibility of U.S. citizenship and tribal citizenship. The activity's success hinges upon students accepting and understanding the Indians' right to be dual citizens, with complete rights and responsibilities in both spheres. The acceptance may prove to be the most challenging element of the lesson.

The description of the conditions of Wisconsin Indians in the 1920s and the failure of the government's efforts to alleviate the pervasive misery of tribal communities, which is the fundamental material for activity 7, is an ideal example of why tribal sovereignty and self-determination are more effective than federal government control, no matter how well-intended. Teachers need to keep the focus on how policies that attempted to help tribes regain control of their own welfare were ultimately altered to maintain government paternalism.

Government policies of post-World War II included the disastrous termination policy, and activity 8, like the previous activity, asks students to decide who plays the more effective role in maintaining tribal welfare, the federal government or the tribes themselves.

The courts answered that question in recent years, by reaffirming treaty rights and tribal sovereignty, not federal policy. Activity 9 allows students to study the contemporary issues that treaty rights have generated. These issues should be familiar to high schoolers, and opinions about the issues should create some interesting discussions from these near-adults, who are learning to deal with real-life issues.

Teacher Preparation Strategies

- Consider approaching some of these materials as review materials. As years go by and treaty education becomes more prevalent, students may arrive in high school with much of this information already learned.
- Limited preparatory time will dictate the number of treaties most teachers will be able to read and analyze, especially during the initial use of this material.
- Teachers should plan on using a limited number of treaties when they first teach with these activities.
- Using a treaty or treaties from a tribe in the local region of the state is highly recommended. Expanding to other treaties and tribes after initially teaching about a local tribe may be more beneficial to the students and teacher alike.
- The thought of absorbing all 29 treaties for any one activity, for most busy teachers, is understandably overwhelming. When preparing to use this material for the first time, teachers do not need to read every treaty in its entirety.

- Observant students may notice inconsistencies in spelling and formatting in the fundamentals and treaties. Teachers can use the variations to show students the confusion that existed in the language among non-Indians. This reflected the overall potential for miscommunication and misunderstanding of the treaties.
- It is not suggested that teachers start reading the fundamental or treaty sections in their entirety, separate from the activities. A better approach is to read the activities section, reading and becoming familiar with the fundamentals and treaties listed in each separate activity.

General Expectations of Students

- By high school, students should be able to read any treaty or fundamental in its entirety and analyze its meaning on some level.
- Students should be able to look up archaic language, or use the context of the materials, to help define it.
- Teachers are recommended to distribute a copy of the glossary to their students at the beginning of the course.
- If a student asks questions that are off the main issues or concepts that are planned for the lesson, that curious student can function as a background researcher and help add to the teacher's knowledge base of the material.

Teaching Strategies

- Teachers of primarily college-bound students should embrace the lecture style of the material, and present it to students as a preparation for college classes.
- Teachers must be open to alternating the treaty selection every time they teach this unit of activities.
- By experimenting with the number of treaties students study and alternating the focus on different tribes or different issues, teachers can gradually absorb the larger information base every time they teach the unit of activities.
- Even if teachers determine at some point that a set number of treaties is useful for a certain grade level, they need to vary their treaty coverage in order to gradually absorb the larger information base that this material demands overall.
- There are many procedures listed for every activity. Teachers are encouraged to adjust the procedures to fit the time available. Teachers may opt to use only those procedures they deem key to a given activity, as long as the students have comprehended the concepts of each activity.
- Another recommended strategy is to use treaties with specific topics and themes, such as treaty stipulations on land cessions, education and training clauses, or acculturation.

Wisconsin Indian Peoples

Objectives

By the end of this lesson the student will be able to

- describe the seasonal subsistence cultures of the Indians of early Wisconsin.
- explain the allocation of work in the traditional Indian social system.
- explain the concept and significance of communal land ownership.

Concepts

- Traditionally, the Indians of Wisconsin made their living from the land by harvesting a wide variety of plants, fishing, and hunting or trapping various animals.
- The center of Indian social, economic, and political life is the family, which includes members of the extended as well as the nuclear family.
- All members of the family worked together hunting, fishing, and gathering in a subsistence culture, living off the land from year to year.
- While hunting, fishing, and gathering, the Indians followed a pattern of seasonal migration moving from one location to another.
- In maintaining their subsistence lifestyle, the Indians practiced conservation measures to protect the resources upon which they relied.
- The Indian people are socially organized into groups called clans that usually comprise several different families claiming a common ancestor known for certain special characteristics.
- The Indians had an allocation system that distributed the products of their hunting, fishing, and gathering equitably among all members of the family and band.
- The Indian idea of land ownership stresses that the land they live on is owned communally by all members of the band, and all have equal rights to the land.

Fundamentals

- 1, Pretest on Indian Treaty Rights and Tribal Sovereignty
- 2, Maps
- 4, Seasonal Traditional Activities
- 5, Traditional Family and Clan Relationships

Procedures

- Give the students the pretest (fundamental 1). The questions in this test will be answered in the course of the following lessons.
- Ask students to identify the activities that support a subsistence culture, like traditional Wisconsin Indian culture.
- Ask the students to suggest reasons why different activities are important during different seasons. Students should then list how those activities might best be split among work groups and seasons.
- Using the "Wisconsin Indian Land Cessions, 1804-1848" map of Wisconsin in fundamental 2, have the students locate the areas where the various activities might be divided to maximize the productivity of people hunting and gathering. Remind the students to consider the seasons in their analysis.

- Have the students read fundamental 5. Then ask them to discuss the allocation of work in the context of the family unit.
- Have the students explain how Wisconsin Indians might have distributed their resources, and how this relates to the Indians' ideas of communal land ownership.
- Conclude the lesson by asking the students to either write a paragraph or to discuss as a class the importance of the various seasonal activities listed in fundamental 4 for the early Indians, and how the Indians relied on the land and available resources for their livelihood. **Note:** Make sure the students mention agriculture as well as hunting, fishing, and gathering.
- Teachers should consider showing students the following audiovisual resources available from the Reference and Loan Library in Madison. Ask the students to discuss the traditional lives of the Chippewa, Oneida, and Menominee Indians shown in the videos. Be sure to point out that there are six Chippewa tribes in Wisconsin and that the video on Lac du Flambeau centers on only one. Also, point out that in addition to the Oneida reservation in Wisconsin near Green Bay, there are Oneida reservations in New York and Canada.

— *Forest Spirits: Oneidas and Menominees of Wisconsin Series*. NEWIST/Great Plains National Instructional Television Library, 1976-77. Six videocassettes: sound, color with black-and-white sequences, 29 minutes each. Closed captioned. The series reaffirms the heritage and traditions of two American Indian tribes in Wisconsin, the Oneida and the Menominee, and the resurgence of pride in their backgrounds.

— *Enduring Ways of the Lac du Flambeau People*. VHS/V-1044. Wisconsin Public Television, 1987. One videocassette: sound, color, 60 minutes. The culture and traditions of the Chippewa Indians in Wisconsin's Lac du Flambeau area are described, including changes that occurred with the coming of Europeans and adaptations that have been made for survival in modern society.

— *More Than Bows and Arrows*. VHS/V-1715. Camera One Productions, 1985. One videocassette: sound, color, 28 minutes. Author N. Scott Momaday (Kiowa) hosts this program, which examines ways that American Indians have helped to shape various aspects of American culture, from food and housing to a view of life. The program is a condensed version of a 1978 one-hour film.

The Constitutional Framework of Treaty Making

Objectives

By the end of this lesson the student will be able to
- explain the relationship of the Northwest Ordinance to treaty making.
- identify the constitutional basis of federal–Indian relations.
- identify references to Indians in the U.S. Constitution.
- identify the role of each branch of the federal government in the treaty-making process.

Concepts

- Treaty negotiations between the United States and Indian tribes were, according to the Northwest Ordinance, supposed to take place in "good faith" with both parties acting truthfully and honestly.
- The Northwest Ordinance proclaimed that the only reason the United States should fight Indian tribes was in the event of a "just and lawful war," such as a defensive action or an act of retribution.
- For negotiations to take place fairly, both parties must give their consent to the agreement at hand and should fully understand all aspects of the agreement.
- According to the Constitution, treaties signed by the United States are to be acknowledged as "the supreme Law of the Land" and courts and judges at every level in every state must treat them as such.
- The term "Indians not taxed" in the U.S. Constitution refers to Indians not counted as citizens before the passage of the Indian Citizenship Act in 1924; all Indians who are now citizens pay federal income taxes and property taxes on private property they own.
- In the 1830s, Supreme Court Chief Justice John Marshall referred to Indian tribes as "domestic dependent nations" since, although they existed *within* states and territories of the United States, they possessed the powers of self-government under federal wardship.
- The federal government's role in Indian–U.S. relations is that of a guardian charged with protecting its Indian wards.
- Indian tribes are like foreign nations within the United States in that they retain some measure of sovereignty while having given up others as a result of treaties with the federal government.

Fundamentals

- 9, Treaty Negotiations
- 12, U.S. Courts and the Indians
- Complete copy of the U.S. Constitution (teacher-supplied)

Procedures

- Have the students define in their own words the terms: *good faith*, *consent*, and *just and lawful war*.
- Discuss with students the ways that the Northwest Ordinance and the U.S. Constitution provided a framework for Indian-to-non-Indian relations. Have the students study

the two documents and locate specific references regarding Indians. They should find the two excerpts that follow.

Excerpt from the Northwest Ordinance of July 13, 1787

"The utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them . . . ." (*Journals of the Continental Congress*, Vol. 32)

Excerpt from the United States Constitution

Article I, Section 2, Clause 3—Indians not taxed. "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years and excluding Indians not taxed, three fifths of all other Persons."

Article I, Section 8, Clause 3—Commerce Clause. "[The Congress shall have Power] . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

Article II, Section 2, Clause 2—Treaty Clause. "[The President] . . . shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur . . . ."

Article VI, Clause 2—Supremacy Clause. "This Constitution and the Laws of the United States . . . and all Treaties made, or which shall be made, . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution of Laws or any State to the Contrary notwithstanding." (Dollar, et al., 1984)

- *After* the student discussion, share with the students the excerpts, by overhead transparency or handout. Now discuss the meaning of the terms in the context of the two excerpts.
- Using the box below as a guide, discuss the role of the three branches of the federal government in the treaty-making process.

Branch	**Role**
Executive	Treaty negotiations and presidential authority.
Legislative	Senate consultation and the ratification of treaties.
Judicial	Litigation involving treaties. (Fundamentals 9 and 12 provide background information)

- Have the students create a chart of the treaty negotiation and ratification process. Follow fundamental 9's "Treaty from Negotiation to Litigation."
- Have the students identify treaties being currently negotiated by the federal government. Use newspapers and magazines if necessary. Examples of such treaties might be arms control or trade agreements, such as NAFTA.
- Show the students one of the following audiovisual resources available from the Reference and Loan Library in Madison. Ask them to discuss the major issues discussed in the videotape.

- *Indian Treaties*. VHS-V-2025. Institute for the Development of Indian Law, 1977. One videocassette: sound, color, ca. 60 minutes. Each of the four filmstrip programs on this videorecording—*The Nature of Treaties, Behind the Scenes, Treaty Changes and What Treaties Mean Today*, and *Comprehensive Review*—is followed by a series of questions and answers. Programs describe what a treaty is, give a historical overview of treaty making between the Indian and U.S. governments, and examine the status of Indian treaties today.
- *Indians and the U.S. Government*. VHS-V-2026. Institute for the Development of Indian Law, 1977. One videocassette: sound, color, ca. 60 minutes. The structure and functions of the U.S. government are examined, along with the special legal relationship Indians have with that government and the reasons why they need to understand how it works. *Structure of the U.S. Government*, *The Legislative Branch*, *The Judicial Branch*, and *The Executive Branch* are the four filmstrip programs on this videorecording; each is followed by a series of questions and answers.

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Treaties and Treaty Making

Objectives

By the end of this lesson the student will be able to

- identify the historical functions of treaty making.
- explain how treaty making is used in political relations.
- identify and explain some problems encountered by Indians in treaty negotiations with the United States.
- explain the process by which the United States acquired Indian lands in Wisconsin.
- relate a classroom role-playing situation to actual nineteenth-century treaty negotiations.

Concepts

- The act of entering into treaty negotiations with Indian tribes indicates that the various European colonial powers, and later the United States, recognized the sovereignty of the tribes.
- In theory, the treaty negotiation process between Indian tribes and the United States took place as government-to-government relations with both sides having an equal part in the process.
- In reality, the treaty negotiation process favored the more powerful United States.
- Between 1804 and 1848, the Indians of Wisconsin signed treaties ceding most of their lands in Wisconsin.
- The United States and Indian tribes share certain attributes of nations, including that of sovereignty; through treaties the tribes gave up only certain aspects of sovereignty while retaining others.
- Negotiations between the United States and Indian tribes occurred before treaties were signed, but Indian participants frequently did not represent the larger group for whom they were negotiating; as a result, Indians often felt slighted by the completed treaties.
- Sometimes when the Indians ceded lands in Wisconsin to the federal government they insisted on including provisions in the treaty to reserve their rights to continue to hunt, fish, and gather in the ceded territory.
- A treaty is a formal and binding agreement between two nations and, according to the Constitution of the United States, treaties entered into by the United States are part of "the supreme Law of the Land."

Fundamentals

- 2, Maps
- 6, Traditional Indian Life: A Photo Essay
- 9, Treaty Negotiations

Treaties

- 1, Treaty of Greenville between the United States and the Chippewa, Potawatomi, and Other Tribes of the Great Lakes Region (1795)
- 2, Treaty between the United States and the Sac and Fox Indians (1804)

- 4, Treaty between the United States and the United Tribes of the Ottawas, Chippewas, and Potawatomis (1816)
- 10, Treaty between the United States and the United Nations of Chippewa, Ottawa, and Potawatomi Indians (1829)
- 12, Treaty between the United States and the Menominee Nation with Supplementary Articles (1831)
- 17, Treaty between the United States and the Chippewa Nation (1837)
- 19, Treaty between the United States and the Winnebago Nation (1837)
- 23, Treaty between the United States and the Chippewa Indians of the Mississippi and of Lake Superior (1842)
- 26, Treaty between the United States and the Chippewa Indians of Lake Superior and the Mississippi (1854)

Procedures

- Explain to the class that Indian tribes once occupied all of Wisconsin and that the U.S. government acquired these Indian lands in land cession treaties. Show the students the maps of fundamental 2 and identify and discuss the various land cessions. Tell the students that they are going to role play the treaty-making process by which the Indians ceded their lands.
- Divide the students into two groups for the purpose of negotiating an agreement between them. They should divide into two groups of *unequal* size, perhaps by two-thirds to one-third.
- Provide these instructions (with any class-appropriate modifications) to each of the two groups. Do not tell each group the intentions of the other.

Buyers: You want to buy land from the other group, the sellers. You are willing to let the sellers use the land for a few years, but not forever. You may not negotiate as a whole group, but choose one or two negotiators. You *must* reach an agreement.

Sellers: You are uncertain about selling your land because you want to use it in the future. You do not want to deprive your children of the life you enjoyed growing up. You may not negotiate as a whole group, but choose one or two negotiators. You *must* reach an agreement.

— Bring the negotiators together in the center of the class and give them a brief period of time to negotiate the agreement. Have one student write the agreement on an overhead or the blackboard. Ask each of the negotiators to sign it.
— Have each negotiator present the agreement to the rest of their group and ask them to determine if their group is satisfied.
— Reproduce one of the treaties listed in the treaty section. Have the students find the provision in the treaty that reserved Indian rights.

- Ask the students to answer the following questions:

— How is the agreement they negotiated similar to the treaty?
— How is it different from the treaty?
— What problems did the students have in negotiating the treaty?
— How might their problems be similar to those experienced in the nineteenth century?

- Compared to the negotiation that took place in class, ask the students to explain what advantages and disadvantages the federal government and Indian treaty negotiators might have had in the negotiation process.

Note: The disparate size of the groups used in the exercise may not sufficiently underscore the unequal bargaining position that the Indians held in dealing with the United States. Refer to the photograph of "The Treaty of Prairie du Chien" in fundamental 9 as an example of the imbalance. Also have the students read the introduction and oratory sections of treaty 19, regarding the way this major land cession treaty was negotiated.

- Ask the students to explain what they think Sioux activist, author, and legal scholar Vine Deloria, Jr. means by referring to treaty making as "legalized theft" in the following quotation:

> We are the only people who have a history of getting the shaft from the federal government, ... I mean, you don't have federal laws taking away anyone else's land, or destroying anyone else's communities. But we have been legally given the shaft. The treaties were *legalized* theft.*

- Show the students the following audiovisual resource available from the Reference and Loan Library in Madison. Ask the students to compare their "treaty negotiations" with the negotiations depicted in the video. What were the similarities and differences?

— *Indian Treaties*. VHS-V-2025. Institute for the Development of Indian Law, 1977. One videocassette: sound, color, ca. 60 minutes. Each of the four filmstrip programs on this videorecording—*The Nature of Treaties, Behind the Scenes, Treaty Changes and What Treaties Mean Today*, and *Comprehensive Review*—is followed by a series of questions and answers. Programs describe what a treaty is, give a historical overview of treaty making between the Indian and U.S. governments, and examine the status of Indian treaties today.

- If the teacher knows another language or has access to foreign coins or currency, the following procedures will add to the students' understanding of language barriers to negotiation.
- Transcribe the written agreement into a foreign language and distribute it to the class.

— Ask the negotiators to explain the terms of the agreement while referring to the new document.

— Ask the class to identify the various points of their agreement in the foreign language.

— Have the students identify how this exercise simulated the troubles experienced in the treaty negotiation process.

- Use the following exercise to relate to the students the difficulty of negotiating treaties in different languages.

— Show students a coin or currency of another nation.

— From what they can gather from only the symbols on the coin, have them explain everything they can about a society that would use such symbols. They may not use any written words on the coin.

— Discuss the ways in which one nation's knowledge of the language used in the negotiations could affect the process and outcome of negotiations.

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* From Stan Steiner, *The New Indians*. New York: Harper & Row, Pubs., 1968, p. 161. Reprinted by permission of Vera John-Steiner.

The Impact of Treaty Making on Wisconsin Indians

Objectives

By the end of this lesson the student will be able to explain

- ways in which federal treaty making undermined or altered traditional tribal government and practices.
- ways in which the U.S. government used annuities to manipulate the tribes.
- the symbolic relationship between the Great Seal of Wisconsin and the ideals of Manifest Destiny.

Concepts

- The U.S. Office of Indian Affairs frequently violated tribal sovereignty by intervening directly in tribal affairs to strengthen or to weaken the power of Indian leaders depending on their disposition to accepting American policies.
- Efforts of American officials to secure land cession treaties often involved recognizing a select group of Indians who were willing to deal with the United States as representative of the entire tribe.
- Treaties provided Indians with annuities, goods, and services that tended to encourage acculturation and increase their dependence on the U.S. government.
- By 1848 all Indian lands in Wisconsin had been ceded by treaty except for the Oneida reservation.

Fundamentals

- 3, Tribal Facts
- 10, Making Indian Chiefs
- 11, The Indian Removal Policy

Treaties

- 1, Treaty of Greenville between the United States and the Chippewa, Potawatomi, and Other Tribes of the Great Lakes Region (1795)
- 2, Treaty between the United States and the Sac and Fox Indians (1804)
- 3, Treaty between the United States and the Winnebago Nation (1816)
- 4, Treaty between the United States and the United Tribes of the Ottawas, Chippewas, and Potawatomis (1816)
- 5, Treaty between the United States and the Menominee Nation (1817)
- 6, Treaty of Green Bay between the Menominee and Winnebago Nations and the Brothertown, Munsee, Oneida, Stockbridge, and Other New York Indian Nations (1821)
- 7, Treaty of Prairie du Chien between the United States and the Sioux, Chippewa, Sac and Fox, Menominee, Winnebago, a Portion of the United Tribes of Ottawas, Chippewas, and Potawatomis, and Other Tribes (1825)
- 8, Treaty of Butte des Mortes between the United States and Chippewa, Menominee, and Winnebago Tribes (1827)
- 9, Treaty between the United States and the Winnebago Tribe and the United Tribes of Potawatomi, Chippewa, and Ottawa Indians (1828)

- 10, Treaty between the United States and the United Nations of Chippewa, Ottawa, and Potawatomi Indians (1829)
- 11, Treaty between the United States and the Winnebago Nation (1829)
- 12, Treaty between the United States and the Menominee Nation with Supplementary Articles (1831)
- 13, Treaty between the United States and the Menominee Nation with Appendix between the United States and Brothertown, Stockbridge and Munsee, and the Six Nations and St. Regis Tribe (1832)
- 14, Treaty between the United States and the Winnebago Nation (1832)
- 15, Treaty of Chicago between the United States and the United Nations of Chippewa, Ottawa, and Potawatomi Indians (1833)
- 16, Treaty of the Cedars between the United States and the Menominee Nation (1836)
- 17, Treaty between the United States and the Chippewa Nation (1837)
- 18, Treaty between the United States and the Sioux Nation (1837)
- 19, Treaty between the United States and the Winnebago Nation (1837)
- 20, Treaty of Buffalo Creek between the United States and the Brothertowns, Munsees, Oneidas, St. Regis, Stockbridges, and Other New York Indian Nations (1838)
- 21, Treaty between the United States and the First Christian and Orchard Parties of the Oneida Indians at Green Bay (1838)
- 22, Treaty between the United States and the Stockbridge and Munsee Tribes (1839)
- 23, Treaty between the United States and the Chippewa Indians of the Mississippi and of Lake Superior (1842)
- 24, Treaty between the United States and the Menominee Tribe (1848)
- 25, Treaty between the United States and the Stockbridge Indians (1848)
- 26, Treaty between the United States and the Chippewa Indians of Lake Superior and the Mississippi (1854)
- 27, Treaty between the United States and the Menominee Tribe (1854)
- 28, Treaty between the United States and the Stockbridge and Munsee Tribes (1856)
- 29, Treaty between the United States and the Menominee Tribe (1856)

Procedures

- Divide the class into two groups. Have one group read treaty 8 and fundamental 10. Have the other group read treaty 2 and fundamental 10. Ask the groups to discuss and to report back to the entire class the following information: What advantages accrued to the United States as a result of each treaty? What steps did the United States take to make it easier to negotiate in the future with the Menominee and the Sac and Fox Indians?
- Make an overhead transparency of fundamental 11 and display it on a screen to the class. Ask the students to describe what is depicted on the seal. Translate the motto for them: "Civilization Succeeds Barbarism." Ask them to discuss the implications of the wording and symbols. Explain that the seal depicts an Indian ("Barbarium") facing his destiny in the trans-Mississippi West while a white man plows a field ("Civilitas"). Using the glossary definition, discuss the concept of Manifest Destiny and ask the students to discuss the emblem in terms of that concept.
- Distribute copies of fundamental 3. For a project outside of the classroom, ask the students to select a tribe that was removed from Wisconsin and to research in the library the reasons for that tribe's removal. If tribal members managed to remain in Wisconsin, the students should explain how they were able to resist removal.
- Inform the students that treaties usually provided funds or goods and services in return for land cessions. Paid out over a period (sometimes for as many as 20 years or

more), these annuities provided government agents with considerable control over the tribe. Ask the students to identify the specific payment provisions provided by a treaty of their choice from the treaty section.

- Now ask the students to identify the major government and Indian figures identified in fundamental 10. Assign roles of all the individuals identified in the fundamental to students. Ask the students to role play the incident depicted. Ask the students how they think American officials and the American public would respond if another country attempted similar tactics in treaty negotiations with the United States today.
- Teachers may wish to show the students one of the following audiovisual resources available from the Reference and Loan Library in Madison. Ask the students to identify ways that the U.S. government manipulated the treaty-making process of government negotiations for its advantage. Students should then discuss the reasons for the special legal relationship between the Indian tribes and the federal government.

— *Indian Treaties*. VHS-V-2025. Institute for the Development of Indian Law, 1977. One videocassette: sound, color, ca. 60 minutes. Each of the four filmstrip programs on this videorecording—*The Nature of Treaties, Behind the Scenes, Treaty Changes and What Treaties Mean Today*, and *Comprehensive Review*—is followed by a series of questions and answers. Programs describe what a treaty is, give a historical overview of treaty making between the Indian and U.S. governments, and examine the status of Indian treaties today.

— *Indians and the U.S. Government*. VHS-V-2026. Institute for the Development of Indian Law, 1977. One videocassette: sound, color, ca. 60 minutes. The structure and functions of the U.S. government are examined, along with the special legal relationship Indians have with that government and the reasons why they need to understand how it works. *Structure of the U.S. Government, The Legislative Branch, The Judicial Branch*, and *The Executive Branch* are the four filmstrip programs on this videorecording; each is followed by a series of questions and answers.

Reservation and Non-Reservation Indians

Objectives

By the end of this lesson the student will be able to

- identify the tribes that secured reservations in Wisconsin and be able to locate those reservations on a map.
- identify those tribes that lost their reservation lands and locate the former reservations on a map.
- identify Indians that never obtained reservations in Wisconsin and locate their general settlement areas in 1875 and today on a map.
- generalize about the lifestyles of reservation Indians today.
- generalize about the lifestyles of non-reservation Indians today.

Concepts

- Before the twentieth century, Indian reservations in Wisconsin included those of the Lac Courte Oreilles Chippewas, Bad River Chippewas, Lac du Flambeau Chippewas, Red Cliff Chippewas, Oneidas, Menominees, and Stockbridge-Munsees.
- By the mid-nineteenth century, the Brothertowns, Mole Lake Chippewas, Potawatomis, St. Croix Chippewas, and Winnebagos (now known as Ho-Chunks) lived in Wisconsin without reservations on ceded lands.
- In the twentieth century, the Forest County Potawatomis, Mole Lake Chippewas, and the St. Croix Chippewas received reservations.
- There are significant differences in the everyday lives of reservation and non-reservation Indians.

Fundamentals

- 2, Maps
- 3, Tribal Facts
- 14, Reservation Life
- 15, Those Who Remain without Reservations
- 16, Indian Land Allotment and U.S. Citizenship
- 18, Biographical Case Study: Excerpts from the Autobiography of a Winnebago Indian Woman Mountain Wolf Woman (1884-1960)

Treaties

- Treaties 1 through 29

Procedures

- Show the students the maps of fundamental 2 and point out that by 1875, most but not all of the reservations that exist today had been established. Divide the class into seven groups and distribute fundamental 14 to each student. Ask each group to read fundamental 14 and report back to the class on one of the following reservated tribes: Lac Courte Oreilles Chippewas, Bad River Chippewas, Lac du Flambeau Chippewas, Red Cliff Chippewas, Oneidas, Menominees, and the Stockbridge-Munsees. Ask them to generalize about reservation life in Wisconsin in 1875.

Note: The Arvid E. Miller Memorial Library Museum on the Stockbridge-Munsee Reservation is an excellent resource for teachers and students alike. A planned visit or a research inquiry by mail is recommended and welcomed by the tribe. Possible avenues of inquiry would be the following:

- — How did the Mohican come to be called "Stockbridge"?
- — Where are the Munsee now?
- — How did these Indians feel about the lands they left behind them?
- — What have the Stockbridge-Munsees learned from their many historical trips back to Massachusetts?

- Similarly divide the class into five groups. Distribute fundamental 15 to each student. Ask each to read fundamental 15 and to report back, as a group, on one of the following tribes: Brothertowns, Mole Lake Chippewas, Potawatomis, St. Croix Chippewas, and the Ho-Chunks. Ask them to generalize about the status of non-reservation Indians.
- Using fundamental 2, point out that since 1875 the following reservations were created: the Forest County Potawatomi, Mole Lake, and the St. Croix. Ask the students to examine treaties 1 through 29 and identify the specific clauses that established these reservations.
- Using fundamental 15, explain to the students the status of the Brothertowns, Mole Lake Chippewas, Potawatomis, the St. Croix Chippewas, and the Ho-Chunks by 1875.
- Have the students read fundamental 18. Ask them to discuss the ways in which Mountain Wolf Woman and her family's relationship to the land in Wisconsin changed over time. Ask the students to think about and to discuss any changes they may have personally encountered as development and population have increased in areas where they have lived. Ask them to think about and to discuss both positive and negative changes that took place. Then ask them to reflect on the positive and negative changes that Mountain Wolf Woman encountered. If possible, conduct this procedure after showing the following videotape, which is available for loan from the Reference and Loan Library in Madison:
  - — *Mountain Wolf Woman, 1884-1960*. Jocelyn Riley/Her Own Words, 1990. One videocassette: sound, color, 17 minutes. Pictures are used to illustrate the life story of Mountain Wolf Woman, a Winnebago Indian born in Black River Falls, Wisconsin. Narration is based on Mountain Wolf Woman's words as told to anthropologist Nancy Oestreich Lurie.
- If there is time in the class schedule, show the students one of the following audiovisual resources available from the Reference and Loan Library in Madison. Depending on the visual aid selected, ask the student to compare the history of the group depicted with the other tribes discussed in this activity. Since these visual aids carry the dialog into the twentieth century, inform the students that they will learn more about these tribes in future activities.
  - — *And the Meek Shall Inherit the Earth*. Film. National Education Television, Indiana University Audio-Visual Center, 1972. Color, 59 minutes. This program provides a history of Menominee Indians in Wisconsin that starts in 1854 and includes descriptions of the tribal and economic plight of Menominees in Menominee County following government orders, drawn up in 1953 and finalized in 1961, that terminated the land and privileges they had held under the jurisdiction of the U.S. Bureau of Indian Affairs.
  - — *Thunder in the Dells*. Ootek Productions, 1990. Color, 29 minutes. This documentary on Wisconsin Ho-Chunk Indians reviews events in their history, including efforts to remove them from their homeland to reservations in the West, their treatment by the U.S. government, and the legacy of Chief Yellow Thunder. Interviews with Ho-Chunks

from the Wisconsin Dells area show preservation of traditions and education of others about their culture.

— *Enduring Ways of the Lac du Flambeau People*. VHS/V-1044. Wisconsin Public Television, 1987. One videocassette: sound, color, 60 minutes. The culture and traditions of the Chippewa Indians in Wisconsin's Lac du Flambeau area are described, including changes that occurred with the coming of Europeans and adaptations that have been made for survival in modern society.

Dual Citizenship

Objectives

By the end of this lesson the student will be able to

- identify early Wisconsin court decisions that recognized tribal jurisdiction in legal matters involving Indians.
- explain why the concept of wardship is not incompatible with the status of tribes as nations.
- explain that the ending of treaty making in 1871 did not end the nation-to-nation relationship between the U.S. and the Indian tribes.
- explain the processes in which Indians became U.S. citizens.
- explain the status of Wisconsin tribal Indians as dual citizens.
- understand the legal complexities surrounding the Brothertown Indians, the Wood County Potawatomi Indians, and the Winnebago (now called Ho-Chunk) Indians as non-reservated tribes.
- gain an appreciation of the complexity and the confusion that surrounds the legal status of Indians.

Concepts

- In 1871 Congress ended treaty making with Indian nations but recognized its duty to uphold all treaty commitments.
- In the eyes of U.S. officials the breaking up or allotment of tribal lands was a necessary step in the acculturation and assimilation of Wisconsin Indians.
- Throughout the nineteenth century there were efforts to allot the tribal lands of Wisconsin Indians. Some included the promise of citizenship.
- During the early nineteenth century, the United States sought to confer citizenship upon the Brothertowns and Stockbridge-Munsees of Wisconsin in conjunction with efforts to break up or allot tribal lands into individually owned parcels of land.
- The Dawes Act of 1887 conferred citizenship upon Indians to whom allotments had been conferred and to others who took up residence apart from their tribes and adopted non-Indian patterns of living.
- In 1924 Congress declared all Indians citizens of the United States while recognizing the continued validity of treaty rights.
- The Bureau of Indian Affairs recognizes as "Indian" anyone who can prove they are members of a federally recognized Indian tribe or band and, for some purposes, at least one-quarter blood descendant of a member of such a tribe or band.
- Race has historically been incidental to tribal membership in that tribes have freely naturalized non-member Indians and non-Indians on the basis of their usefulness and willingness to obey tribal laws and customs.
- Individuals recognized as tribal Indians by the U.S. government did not lose their status as federal wards by acquiring American citizenship.
- Tribal Indians are dual citizens in that, in addition to possessing all the rights and responsibilities of American citizens, they also have the rights and responsibilities provided by tribal constitutions and laws. United States citizenship and tribal membership or citizenship are not incompatible.
- Benefits received today by Indians are not "special privileges" making them "super citizens" but rather they are aboriginal rights acknowledged by congressional action,

reserved by them in land cession treaties, and upheld in court decisions and thus guaranteed to them by the U.S. government.

- Not all self-proclaimed Indians or Indian communities are recognized by the federal government as being Indian tribes.
- Some Indians living in Wisconsin today have tribal status on reservations located in other states.

Fundamentals

- 12, U.S. Courts and the Indians
- 13, Education Programs
- 15, Those Who Remained without Reservations
- 16, Indian Land Allotment and U.S. Citizenship
- 23, Indian Soldiers Defend the United States
- 34, Recognizing the Unrecognized
- 36, Frequently Asked Questions about Indians

Treaties

- Treaties 1 through 29

Procedures

- Distribute copies of fundamental 12 for the students to read. Review the details of the trial of Oshkosh with the students. Ask the students to explain in their own words why Oshkosh was found innocent in the trial. This court case provides the teacher with an opportunity to demonstrate that U.S. courts recognized at a very early date the legality of Indian jurisdiction in resolving their own internal affairs. Point out that Chief Justice John Marshall described the relationship of the Indians to the federal government as "that of a ward to his guardian." Using the glossary, define the terms *ward* and *guardian* and ask the students to give current-day examples of similar relationships. Inform the students that Marshall also described the Indian tribes as "distinct, independent political communities." Establish that although the concept of wardship might appear to be contradictory to that of an "independent political community," Chief Justice Marshall believed it was possible for Indian tribes to be independent while having a special relationship to the United States known as wardship.
- Fundamental 13 provides background information so teachers can explain to students that the primary goal of federal education efforts for the Indians was the transformation of the Indians into private property owners and U.S. citizens.
- Using the comments about federally run boarding schools in fundamental 13, remind the students again that attendance was required and truancy rates were high. Using the glossary as a resource, teachers may want to review with the students the concepts of forced acculturation and assimilation.
- Review with the students the concept of land allotment using fundamental 16 as resource material. Ask the students to find the allotment provisions in the following treaties with the Oneida and Stockbridge-Munsee Indians (20 and 28). Fundamental 34's material indicates how the United States Congress divided the Brothertown tribal lands into allotments and granted the Indians U.S. citizenship. This should provide an opportunity for the teacher to describe the unique situation of the Brothertowns as described in this fundamental. It should be noted that congressional efforts to allot tribal lands in severalty were also directed at the Oneidas, one Chippewa band, and the Winnebago Indians in the nineteenth century. Fundamental 16 provides background information on how the Dawes Severalty Act of 1887 formalized the allotment policy.

- One of the major goals of the Dawes Act, like allotment acts that preceded it, was the acculturation and eventual assimilation of the Indians into non-Indian society and culture. Between 1887 and the end of World War I (1919) the awarding of citizenship to Indians who accepted the allotment of land and who cast aside tribal traditions and living patterns became a ceremonial event as illustrated in fundamental 16. Show the students the photograph of "shooting the last arrow" and using the text in the fundamental, explain the symbolism in such ceremonial events. Establish that such ceremonial occasions became less frequent following World War I. Distribute copies of fundamental 23 and explain that American Indians made important contributions to the U.S. war effort as they had in many previous (and subsequent) wars.
- Congress recognized this contribution by granting U.S. citizenship to all Indian veterans in 1919. Point out how confusing this must have been because some unallotted reservation Indians were now citizens while others were not. Show the excerpt (next page) of the 1924 Indian Citizen Act to the students and ask them to explain the proviso included and to compare it with the proviso included in the resolution abolishing treaty making in 1871 (also next page).
- Be sure to point out that the ending of treaty making or the granting of citizenship did not terminate the right of any tribe to tribal property or treaty rights. It is important to stress that all Indians were made full U.S. citizens in 1924. The retention of tribal citizenship did not make the Indians second-class U.S. citizens. United States citizenship was not incompatible with the Indians' continued participation in tribal government or with their relationship as wards of the federal government. Indians may possess rights under tribal laws and at the same time they may be the recipient of federal services on or off the reservation as a result of federal enactments. The rights that some non-Indians view as "special" or "unequal" rights are nothing more than contractual rights stemming from nation-to-nation agreements between the United States and the tribes. Again stress to the students that U.S. citizenship did not and does not negate tribal citizenship with its inherent rights. **Note:** This is an opportunity to point out anomalies of U.S. history. For the most part, American Indians were granted U.S. citizenship without having sought to obtain it. The same year citizenship was granted to American Indians, the United States passed restrictive immigration laws and made it extremely difficult for many immigrants seeking U.S. citizenship to acquire it. Some Indians who received citizenship in 1924 saw it as meaningless and continued to see themselves only as tribal citizens. Others saw it as ironic that it took so long to acquire citizenship, because Indians had defended the U.S. Constitution in every war since the nation's beginnings without being citizens.
- Complete this activity by informing the students that not all Indian tribes are recognized by the federal government today, and that some Indians may have tribal status associated with a reservation in one state, while maintaining a residence in another state. Using fundamental 34, provide the students information on the Brothertown and the Wood County Potawatomi Indians. Review the federal regulations for being recognized as a federal tribe. Using fundamental 36 and information in fundamental 34, ask the students to report on what the Brothertowns, for example, must do to receive acknowledgment of their federal recognition. **Note:** Using fundamental 15 point out that non-reservation Indians had a very precarious existence in Wisconsin. For example, the Winnebagos had reservation lands in Nebraska, but those who remained or returned to Wisconsin were virtually landless. The Wood County Potawatomi also returned to Wisconsin from a reservation in another state and have faced similar hardships.

References

U.S. Congress. Act of June 2. *Statutes at Large*. Vol. 43. 1924, p. 253.

U.S. Congress. Act of March 3. *Statutes at Large*. Vol. 16. 1871, p. 566.

Act of 1924

An Act To authorize the Secretary of the Interior to issue certificates of citizenship to Indians.

Be it enacted . . . , That all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: *Provided* That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.

(*Statutes at Large*. Vol. 43)

Act of 1871

Hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty: *Provided, further, That* nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe . . . .

(*Statutes at Large*. Vol. 16)

A New Deal for Wisconsin Indians

Objectives

By the end of this lesson the student will be able to

- provide examples of how the state of Wisconsin restricted or violated treaty rights and tribal sovereignty in the late nineteenth and early twentieth centuries.
- identify some of the major obstacles to Wisconsin Indian prosperity by the late 1920s.
- identify the major components of the Indian New Deal.
- explain the reaction of Wisconsin Indians toward Commissioner of Indian Affairs John Collier's Indian New Deal.
- explain how the Indian Reorganization Act of 1934 helped bring about a reaffirmation of Wisconsin Indian treaty rights and tribal sovereignty through revitalized tribal courts and governments.
- explain why significant Indian participation in defense of the United States during World War II caused the promises of the New Deal to go unfilled.

Concepts

- Actions of state of Wisconsin officials and non-Indian residents during the early twentieth century frequently ignored Indian treaty rights and violated tribal sovereignty.
- The poor, sometimes miserable economic, health, and living conditions of Wisconsin Indians were reported to the nation in the 1928 Meriam Report and in the 1929 U.S. Senate Committee on Indian Affairs Survey.
- Commissioner of Indian Affairs John Collier's Indian New Deal ended land allotment and encouraged tribes to maintain and promote their culture.
- The Indian Reorganization Act of 1934 helped to promote the development of new constitutions and bylaws as well as a new generation of tribal leaders.
- World War II provided opportunities both at home and abroad for Wisconsin Indians to gain leadership experiences.

Fundamentals

- 2, Maps
- 17, The Status of the Indians in the Late 1920s
- 19, The Indian Reorganization Act of 1934
- 20, Tribal Responses to the Wheeler-Howard (Indian Reorganization) Bill of 1934
- 21, Tribal Governments
- 22, Tribal Courts, Tribal Judges, and Indian Law in Wisconsin
- 23, Indian Soldiers Defend the United States
- 31, State Legislation, Executive Orders, and Legal Opinions
- 32, Wisconsin Indian Treaty Rights

Procedures

- Distribute fundamental 17, which includes sections of the Meriam Report and the Survey of Conditions of Wisconsin Indians, and have the students prepare a short statement paper on the condition of the Wisconsin Indians in the late 1920s, based on the eyewitness reports contained in the fundamental. Then share fundamental 31 with the students either on overhead transparencies or by distribution. Based on their reading of fundamentals 17 and 31, ask the students about the ways that state and court restrictions may have helped bring about the conditions Wisconsin Indians faced in the 1920s. Ask the students how they think tribal leaders might have felt about state efforts to handle Indian appropriations. Ask them if they think the state's request was paternalistic or if it was economically motivated.

- Introduce the concept of the Indian New Deal, using fundamental 19 as a resource. Explain how the Indian Reorganization Act brought about major changes in federal Indian policy including an end to allotment and the revitalization of tribal life and tribal government. Use fundamental 2's map of reservation and communities in 1992 to show that two reservations, St. Croix and Mole Lake, were established under the Indian New Deal. Make students aware that the tribal responses to the Indian New Deal, in fundamental 20, show how that legislation established new tribal constitutions and bylaws. Ask students to identify ways that the tribal governments emerged following the enactment of the Indian Reorganization Act and helped to reassert tribal sovereignty and reaffirm treaty rights. Fundamental 21 provides background information.
- Have students review their copies of fundamental 23 and focus discussion on Indian participation in World War II. Use fundamental 19 to show how the Indian Reorganization Act provided a training ground for future tribal leaders in Wisconsin and in the military for Wisconsin Indians. The leadership opportunities for Wisconsin Indians during the New Deal and World War II helped prepare a new generation of tribal leaders for the serious threats to tribal sovereignty and treaty rights which appeared in the post-World War II era.
- Assign one or all of the following topics for homework and have the students report their findings to their classmates. Have the students research in the library for information regarding the following individuals, all of whom are featured prominently in this activity's fundamentals:

— Henry Roe Cloud, a Winnebago Indian who was a staff member of the Meriam Report.
— Robert M. LaFollette, Jr., who served on the Senate Committee on Indian Affairs.
— John Collier, Commissioner of Indian Affairs.

In what ways did these three help shape Indian policy during the 1920s and 1930s?

- If near an Indian reservation or community, contact the tribal office (see appendix B for a list of telephone numbers and addresses) and ask if a tribal elder can visit the class and discuss their tribe's reaction to the New Deal and Indian participation in World War II.

Assaults on Tribal Sovereignty and Treaty Rights, 1945-60

Objectives

By the end of this lesson the student will be able to
- identify some of the major post-World War II threats to tribal sovereignty.
- explain the impact on Wisconsin Indians of the termination and relocation policies of the 1950s.
- identify some of the benefits and some of the problems Wisconsin Indians encountered in urban areas.
- gain an understanding of the problems confronting reservation and non-reservation Wisconsin Indians in the 1950s.
- identify the impact of governmental assaults on Wisconsin Indian tribal sovereignty and treaty rights.

Concepts

- A major goal of federal Indian policy after World War II was to terminate the tribal status of Indians and relocate them to urban areas where they were supposed to be more quickly assimilated into the dominant society.
- Federal policy makers focused attention on the Menominees as a test case of the termination policy.
- Federal Indian policy in the 1950s led to an increase in the number of Wisconsin Indians living in urban areas.
- The 1950s was a period of economic hard times and adjustments for Wisconsin Indians, both on reservations and in urban areas.
- Wisconsin state officials in the 1950s sought to promote the termination policy and to extend state jurisdiction over Indian tribes.

Fundamentals

- 2, Maps
- 21, Tribal Governments
- 22, Tribal Courts, Tribal Judges, and Indian Law in Wisconsin
- 23, Indian Soldiers Defend the United States
- 24, The Status of Indians in the 1950s
- 25, Termination
- 26, Wisconsin's Urban Indians
- 30, Indian Communities in the Late 1960s
- 31, State Legislation, Executive Orders, and Legal Opinions
- 32, Wisconsin Indian Treaty Rights
- 35, The Numbers Game

Procedures

- Using fundamental 25, explain to the students that after 1945 the U.S. Congress increasingly sought ways to end the nation-to-nation relationships between Indian tribes and the U.S. government.

- Using the glossary, define *termination* and *relocation*. Have the students read both the positive and negative reactions to the termination policy located in fundamental 25. Ask the students to summarize the arguments in favor and against termination. Ask them to explain what possible benefits the federal and state governments might gain from terminating the tribal status of Indians. Ask the students what the Indians would lose or gain with termination.
- Using information provided in fundamental 25, focus attention on the termination of the Menominee Indians. Indicate that the termination of the Menominee Indians was originally seen as a model for other tribes by federal officials but it had disastrous consequences for the Menominees.
- At this point it would be helpful to provide the students with a review of Menominee history from treaty times through termination. If possible, show the students the following audiovisual resource available from the Reference and Loan Library in Madison.
  — *And the Meek Shall Inherit the Earth*. Film. National Educational Television, Indiana University Audio-Visual Center, 1972. Color, 59 minutes. After viewing the tape, share with the students the Indian reactions to termination in fundamental 25 and ask them to discuss the impact that termination had on the Menominee Indians, based on information provided in the tape and the fundamental.
- Have the students review fundamental 30, and have them discuss how these documents reflect the philosophy behind the termination and relocation policies.
- Show the students fundamental 2, and point out the location of the Indian reservations and communities. Distribute fundamental 35 and ask the students to identify some possible results of the termination and relocation policies as reflected in census data. Have the students read fundamental 26 and ask them to identify several ways in which the relocation policy and the movement to urban areas had an impact on Wisconsin Indians. Have the students read portions of fundamental 24, which covers the status of non-urban Indians in the 1950s. What similar problems did the two groups face? Ask the students to identify ways in which the urban Indians and the reservations and Indian communities coped with their challenges.
- If time is available, show students one of the following videos available from the Reference and Loan Library in Madison:
  — *Winds of Change, Part 2, A Matter of Choice*. VHS/V-2170. WHA-TV/Wisconsin Public Television/PBS Video, 1990. One videocassette: sound, color, 60 minutes. The exodus of their youth to the cities threatens the survival of sovereign Indian nations, according to the Hopi Indians interviewed. The program provides a look at what the Hopi reservation is doing to make itself more attractive to Hopi youth and what urban Indians in Milwaukee are doing to keep their Indian ties.
  — *Urban Frontier*. VHS/V-1714. Camera One Productions, 1983. One videocassette: color, 26 minutes. American Indians living in urban settings face various cultural adaptation problems. This video shows how Indians are putting their traditional values to work by establishing "Indian centers" to address these problems and challenges. After viewing the tape, ask the students to identify some of the ways urban Indians adapted culturally to often new surroundings.

The Reaffirmation of Tribal Sovereignty and Treaty Rights, 1961 to the Present

Objectives

By the end of this lesson the student will be able to

- identify some of the major reasons for the growing Indian activism since the early 1960s in Wisconsin.
- identify examples of Indian activism in Wisconsin during the decades following 1960.
- identify some of the results of this Indian activism in Wisconsin.
- identify the relationship of Menominee restoration to the general Indian activism in Wisconsin.
- explain how the current Brothertown quest for federal recognition and dual citizenship relates to the Indian activism of the last several decades.
- identify some of the ways that the reaffirmation of tribal sovereignty and treaty rights has improved the lives of Wisconsin Indians.

Concepts

- Indian leaders gathering at the Chicago Conference of 1961 ushered in a new era of Indian pride and activism.
- During the 1960s and 1970s, the Indian activism occurring throughout the United States was matched by similar events in Wisconsin.
- Menominee restoration in 1971 refuted termination and relocation policies of the 1950s.
- The Brothertown Indians' quest for federal recognition in recent years is an example of the resurgence of tribal identity.
- Economic development and opportunity for Wisconsin Indians on Indian reservations and communities is improving due to recent events clarifying the status of Indians as dual citizens.

Fundamentals

- 2, Maps
- 21, Tribal Governments
- 22, Tribal Courts, Tribal Judges, and Indian Law in Wisconsin
- 26, Wisconsin's Urban Indians
- 27, Indian Resurgence: From Termination to Self-Determination, 1961-91
- 28, Indian Voices of the 1960s and 1970s
- 29, Reflections of Indian Youth
- 30, Indian Communities in the Late 1960s
- 31, State Legislation, Executive Orders, and Legal Opinions
- 32, Wisconsin Indian Treaty Rights
- 33, Indian Gaming and Economic Development
- 34, Recognizing the Unrecognized

Procedures

- Share fundamental 27 with the students. Ask them to identify ways in which the Chicago Conference of 1961 foreshadowed the Indian activism of the following three decades. Now have the students read fundamental 28 and fundamental 29 in order to gain a better appreciation of the issues facing Indians in the 1960s.

- Distribute fundamental 30 and ask the students to be prepared to discuss in class the lifestyles and the major issues facing the Wisconsin Indian communities of the 1960s discussed in the fundamental. Now show the documents in the fundamental as overhead transparencies and ask the students how these state laws and legal opinions may have complicated the lives of Wisconsin Indians.
- Ask the students to develop a chronology of events from the Chicago Conference of 1961 to the final decision in the Chippewa treaty rights litigation in 1991. Fundamental 27 provides background information. Ask the students to discuss some of the results of these events. As a possible homework assignment, ask them to locate articles and photos about these events in old magazines and newspapers. Also consider inviting a tribal representative (see list of tribal offices in appendix B) to discuss one or more of these events from a tribal perspective.
- Ask the students to explain, based on their reading of fundamental 27 and their previous class discussions, how Menominee restoration in the early 1970s reflects the ideal of the Chicago Conference. How do the other events of the 1970s depicted in the fundamental reflect the ideals of the conference?
- Using fundamental 34 as a resource, provide information to the class on the current legal status of the Brothertown Indians. Review with the class the prerequisites for recognition by the U.S. government. Ask the students whether or not they think that the efforts of this tribe to gain federal recognition are a logical culmination of the ideas expressed by Indian activists since the 1960s. Also ask them to explain the possible reasons for the non-recognized Brothertowns to seek recognition.
- Using fundamentals 32 and 33, explain how recent clarification of the sovereignty and the legal status of Indian tribes has led to new opportunities for economic development of Indian reservations and other communities. Use fundamentals 2, 21, and 22 for background information.
- If there is time, show students the following videos, available from the Reference and Loan Library in Madison:

— *Forest Spirits: Oneidas and Menominees of Wisconsin Series*. NEWIST/Great Plains National Instructional Television Library, 1976-77. Six videocassettes: sound, color with black-and-white sequences, 29 minutes each. Closed captioned. *Dreamers with Power, Part 1* (VHS/V-325/No. 6) presents a play written and performed by Menominee Indians; it is followed by a group discussion about the Menominees' relationship with the past, current conditions, and the future. *Dreamers with Power, Part 2* (VHS/V-325/No. 7) continues Part 1 and includes dramatic sequences and group discussions about the past, present, and future of the Menominee Indians.

— *Treaties, Truth, and Trust*. VHS/V-1719. HONOR, 1989. One videocassette: sound, color, 16 minutes. Tribal elected officials and religious leaders from various denominations answer questions about treaty rights and treaty law. Focused on Chippewa Indians in northern Wisconsin, the program is designed to promote respect for American Indians' tribal sovereignty, justice through affirmation of treaty rights, and recognition of government-to-government relationships.

Activity 1

- Cohen, Felix S. *Handbook of Federal Indian Law*. Ed. Rennard Strickland. Rev. ed. Charlottesville, VA: Michie/Bobbs-Merrill Pubs., 1982, pp. 3-27.
- Current, Richard N. *The Civil War Era, 1848-1873*. Vol. 2 of *The History of Wisconsin*. 6 vols. Ed. William F. Thompson. Madison: State Historical Society of Wisconsin, 1976, pp. 48-53.
- Lurie, Nancy Oestreich. *Wisconsin Indians*. Madison: State Historical Society of Wisconsin, 1987, pp. 9-14.
- Mason, Carol I. *Introduction to Wisconsin Indians: Prehistory to Statehood*. Salem, WI: Sheffield Pub. Co., 1988, pp. 1-22, 99-131.
- Smith, Alice E. *From Exploration to Statehood*. Vol. 1 of *The History of Wisconsin*. 6 vols. Ed. William F. Thompson. Madison: State Historical Society of Wisconsin, 1973, pp. 5-20, 124-26.

Activity 2

- Cohen, Felix S. *Handbook of Federal Indian Law*. Ed. Rennard Strickland. Rev. ed. Charlottesville, VA: Michie/Bobbs-Merrill Pubs., 1982, pp. 47-62, 207-12.
- Kvasnicka, Robert M. "United States Indian Treaties and Agreements." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Vol. 4 of *Handbook of North American Indians*. 20 vols. Ed. William C. Sturtevant. Washington, DC: Smithsonian Inst. Pr., 1988, pp. 195-201.
- O'Brien, Sharon. *American Indian Tribal Governments*. Norman: Univ. of Oklahoma Pr., 1989, pp. 49-58.
- Smith, Alice E. *From Exploration to Statehood*. Vol. 1 of *The History of Wisconsin*. 6 vols. Ed. William F. Thompson. Madison: State Historical Society of Wisconsin, 1973, pp. 125-26.

Activity 3

- Gibson, Arrell Morgan. "Indian Land Transfers." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Vol. 4 of *Handbook of North American Indians*. 20 vols. Ed. William C. Sturtevant. Washington, DC: Smithsonian Inst. Pr., 1988, pp. 211-29.
- Kvasnicka, Robert M. "United States Indian Treaties and Agreements." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Vol. 4 of *Handbook of North American Indians*. 20 vols. Ed. William C. Sturtevant. Washington, DC: Smithsonian Inst. Pr., 1988, pp. 195-201.
- Lohse, E.S. "Trade Goods." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Vol. 4 of *Handbook of North American Indians*. 20 vols. Ed. William C. Sturtevant. Washington, DC: Smithsonian Inst. Pr., 1988, pp. 396-403.
- Smith, Alice E. *From Exploration to Statehood*. Vol. 1 of *The History of Wisconsin*. 6 vols. Ed. William F. Thompson. Madison: State Historical Society of Wisconsin, 1973, pp. 122-50.

Activity 4

- Cohen, Felix S. *Handbook of Federal Indian Law*. Ed. Rennard Strickland. Rev. ed. Charlottesville, VA: Michie/Bobbs-Merrill Pubs., 1982, pp. 127-44.

- Current, Richard N. *The Civil War Era, 1848-1873*. Vol. 2 of *The History of Wisconsin*. 6 vols. Ed. William F. Thompson. Madison: State Historical Society of Wisconsin, 1976, pp. 48-53, 81-82, 149-55, 429, 556-59.
- Kvasnicka, Robert M. "United States Indian Treaties and Agreements." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Vol. 4 of *Handbook of North American Indians*. 20 vols. Ed. William C. Sturtevant. Washington, DC: Smithsonian Inst. Pr., 1988, pp. 195-201.
- Lurie, Nancy Oestreich. *Wisconsin Indians*. Madison: State Historical Society of Wisconsin, 1987, pp. 14-21.
- Mason, Carol I. *Introduction to Wisconsin Indians: Prehistory to Statehood*. Salem, WI: Sheffield Pub. Co., 1988, pp. 281-97.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Sciences, Arts, and Letters, 1991, pp. 6-69.
- Smith, Alice E. *From Exploration to Statehood*. Vol. 1 of *The History of Wisconsin*. 6 vols. Ed. William F. Thompson. Madison: State Historical Society of Wisconsin, 1973, pp. 122-50.

Activity 5

- Current, Richard N. *The Civil War Era, 1848-1873*. Vol. 2 of *The History of Wisconsin*. 6 vols. Ed. William F. Thompson. Madison: State Historical Society of Wisconsin, 1976, pp. 48-53, 81-82, 149-55, 429, 556-59.
- Glad, Paul W. *War, a New Era, and Depression, 1914-1940*. Vol. 5 of *The History of Wisconsin*. 6 vols. Ed. William F. Thompson. Madison: State Historical Society of Wisconsin, 1990, pp. 486-91.
- Lurie, Nancy Oestreich. *Wisconsin Indians*. Madison: State Historical Society of Wisconsin, 1987, pp. 21-24.
- Nesbit, Robert C. *Urbanization and Industrialization, 1873-1893*. Vol. 3 of *The History of Wisconsin*. 6 vols. Ed. William F. Thompson. Madison: State Historical Society of Wisconsin, 1985, pp. 427-28, 434-35.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Sciences, Arts, and Letters, 1991.
- Smith, Alice E. *From Exploration to Statehood*. Vol. 1 of *The History of Wisconsin*. 6 vols. Ed. William F. Thompson. Madison: State Historical Society of Wisconsin, 1973, pp. 122-50.

Activity 6

- Baca, Lawrence R. "The Legal Status of American Indians." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Vol. 4 of *Handbook of North American Indians*. 20 vols. Ed. William C. Sturtevant. Washington, DC: Smithsonian Inst. Pr., 1988, pp. 230-37.
- Cohen, Felix S. *Handbook of Federal Indian Law*. Ed. Rennard Strickland. Rev. ed. Charlottesville, VA: Michie/Bobbs-Merrill Pubs., 1982, pp. 259-79.
- Glad, Paul W. *War, a New Era, and Depression, 1914-1940*. Vol. 5 of *The History of Wisconsin*. 6 vols. Ed. William F. Thompson. Madison: State Historical Society of Wisconsin, 1990, pp. 486-91.
- Kelly, Lawrence C. "United States Indian Policies, 1900-1980." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Vol. 4 of *Handbook of North American Indians*. 20 vols. Ed. William C. Sturtevant. Washington, DC: Smithsonian Inst. Pr., 1988, pp. 66-80.

- O'Brien, Sharon. *American Indian Tribal Governments*. Norman: Univ. of Oklahoma Pr., 1989, pp. 276-90.

Activity 7

- Baca, Lawrence R. "The Legal Status of American Indians." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Vol. 4 of *Handbook of North American Indians*. 20 vols. Ed. William C. Sturtevant. Washington, DC: Smithsonian Inst. Pr., 1988, pp. 230-37.
- Barsh, Russel Lawrence, and James Youngblood Henderson. *The Road: Indian Tribes and Political Liberty*. Berkeley: Univ. of California Pr., 1980.
- Cohen, Felix S. *Handbook of Federal Indian Law*. Ed. Rennard Strickland. Rev. ed. Charlottesville, VA: Michie/Bobbs-Merrill Pubs., 1982, pp. 144-52.
- Deloria, Vine, Jr., and Clifford M. Lytle. *American Indians, American Justice*. Austin: Univ. of Texas Pr., 1983.
- Glad, Paul W. *War, a New Era, and Depression, 1914-1940*. Vol. 5 of *The History of Wisconsin*. 6 vols. Ed. William F. Thompson. Madison: State Historical Society of Wisconsin, 1990, pp. 486-91.
- Kickingbird, Kirke, Alexander Tallchief Skibine, and Lynn Kickingbird. *Your Rights as American Indians*. Washington, DC: Institute for the Development of Indian Law, 1988.
- Lurie, Nancy Oestreich. *Wisconsin Indians*. Madison: State Historical Society of Wisconsin, 1987, pp. 24-51.
- O'Brien, Sharon. *American Indian Tribal Governments*. Norman: Univ. of Oklahoma Pr., 1989, pp. 71-83.
- Washburn, Wilcomb E. *Red Man's Land / White Man's Law: A Study of the Past and Present Status of the American Indian*. New York: Charles Scribner's Sons, 1971.

Activity 8

- Baca, Lawrence R. "The Legal Status of American Indians." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Vol. 4 of *Handbook of North American Indians*. 20 vols. Ed. William C. Sturtevant. Washington, DC: Smithsonian Inst. Pr., 1988, pp. 230-37.
- Cohen, Felix S. *Handbook of Federal Indian Law*. Ed. Rennard Strickland. Rev. ed. Charlottesville, VA: Michie/Bobbs-Merrill Pubs., 1982, pp. 152-80, 811-18.
- Lurie, Nancy Oestreich. *Wisconsin Indians*. Madison: State Historical Society of Wisconsin, 1987, pp. 57-63.
- O'Brien, Sharon. *American Indian Tribal Governments*. Norman: Univ. of Oklahoma Pr., 1989, pp. 276-97.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Sciences, Arts, and Letters, 1991.
- Smith, Alice E. *From Exploration to Statehood*. Vol. 1 of *The History of Wisconsin*. 6 vols. Ed. William F. Thompson. Madison: State Historical Society of Wisconsin, 1973, pp. 125-26.

Activity 9

- Baca, Lawrence R. "The Legal Status of American Indians." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Vol. 4 of *Handbook of North American Indians*. 20 vols. Ed. William C. Sturtevant. Washington, DC: Smithsonian Inst. Pr., 1988, pp. 230-37.

- Cohen, Felix S. *Handbook of Federal Indian Law*. Ed. Rennard Strickland. Rev. ed. Charlottesville, VA: Michie/Bobbs-Merrill Pubs., 1982, pp. 180-206.
- Lurie, Nancy Oestreich. *Wisconsin Indians*. Madison: State Historical Society of Wisconsin, 1987, pp. 57-63.
- O'Brien, Sharon. *American Indian Tribal Governments*. Norman: Univ. of Oklahoma Pr., 1989, pp. 291-97.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Sciences, Arts, and Letters, 1991.

Fundamentals

Pretest on Indian Treaty Rights and Tribal Sovereignty

The questions on the next page should be given before the students receive any instruction related to treaty rights and tribal sovereignty. This could also be used as a homework assignment or a post-test.

Key: Numbers 2, 5, 6, 9 are true
Numbers 1, 3, 4, 7, 8, 10 are false

Name: ______________________________

Date: ______________________________

1. Only four types of government exist within the United States: the federal government, state governments, county governments, and local governments.

   ☐ True ☐ False

2. According to the U.S. Constitution, treaties between the United States and various Indian tribes are part of the "Supreme Law of the Land."

   ☐ True ☐ False

3. When Indians sold their lands to the United States, they always gave up their right to live, hunt, and fish on those lands.

   ☐ True ☐ False

4. Today all of Wisconsin Indians live in areas known as reservations.

   ☐ True ☐ False

5. Indian tribes are sovereign nations and are only partially under the authority of the U.S. government.

   ☐ True ☐ False

6. The State of Wisconsin can only exert legal jurisdiction over Indian tribes with the consent of the U.S. Congress.

   ☐ True ☐ False

7. Residents of Wisconsin Indian reservations are always under the authority of courts, police, and game wardens in neighboring towns and cities while on their reservations.

   ☐ True ☐ False

8. Since all Indians are U.S. citizens today, none of them are also citizens of another nation. In other words, Indians cannot have dual citizenship.

   ☐ True ☐ False

9. United States treaties with Indian tribes are actually nothing less than contracts between nations.

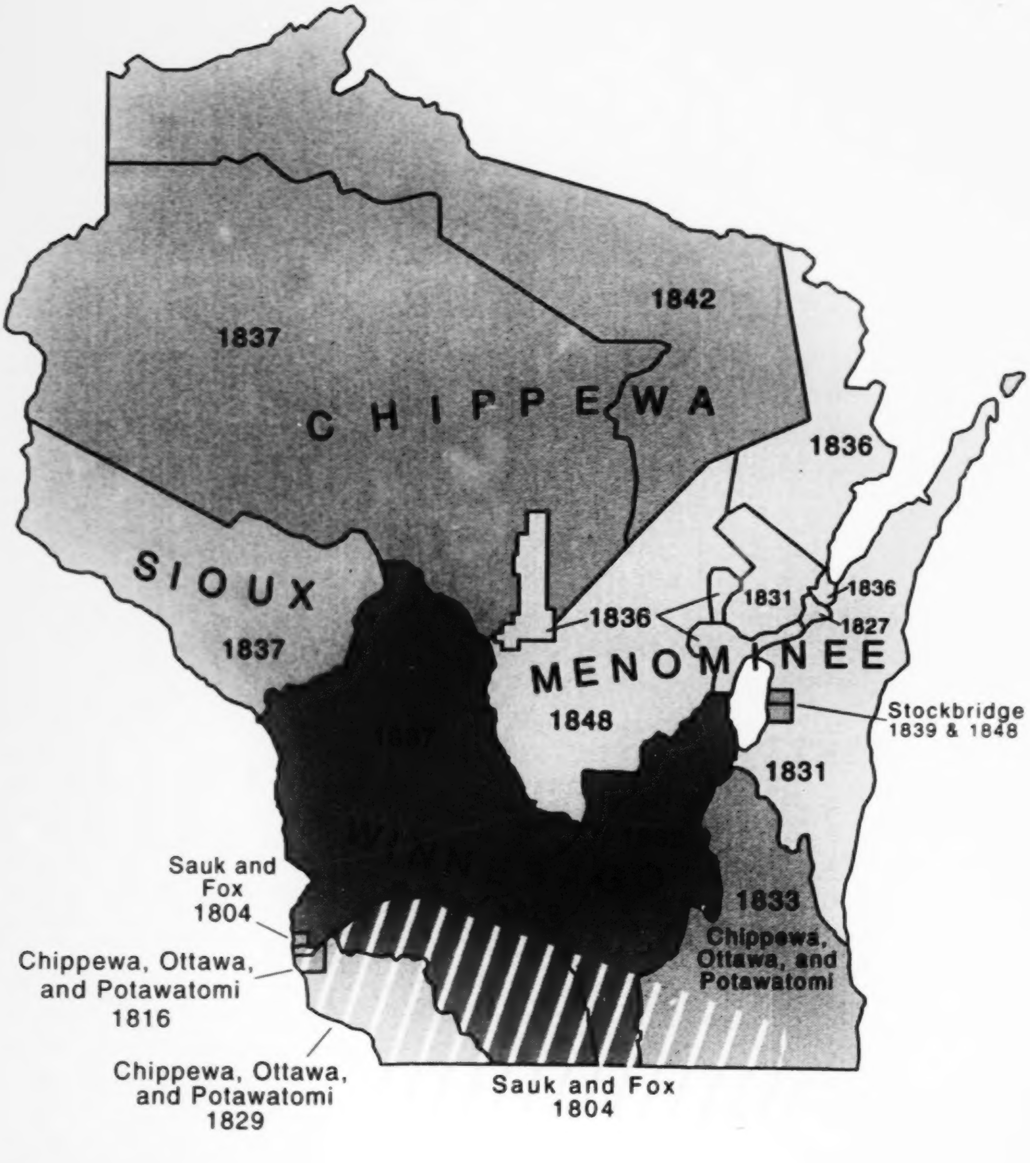
   ☐ True ☐ False

10. The state of Wisconsin has complete legal authority over Indian reservations just as it does over cities and towns within its borders.

    ☐ True ☐ False

Maps

*Wisconsin Indian Land Cessions, 1804-1848**


1842
1837
CHIPPEWA
1836
SIOUX
1837
1836
1831
1836
1827
MENOMINEE
1848
Stockbridge
1839 & 1848
1831
1833
Chippewa, Ottawa, and Potawatomi
Sauk and Fox 1804
Chippewa, Ottawa, and Potawatomi 1816
Chippewa, Ottawa, and Potawatomi 1829
Sauk and Fox 1804

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* Map by Sean Hartnett. After Nancy Oestreich Lurie, *Wisconsin Indians* (Madison: State Historical Society of Wisconsin, 1987), p. 18, and Charles C. Royce, *Indian Land Cessions in the United States*, Bureau of American Ethnology. Eighteenth Annual Report, 1896-97, vol. 2 (Washington, DC: GPO, 1899), plate 64.

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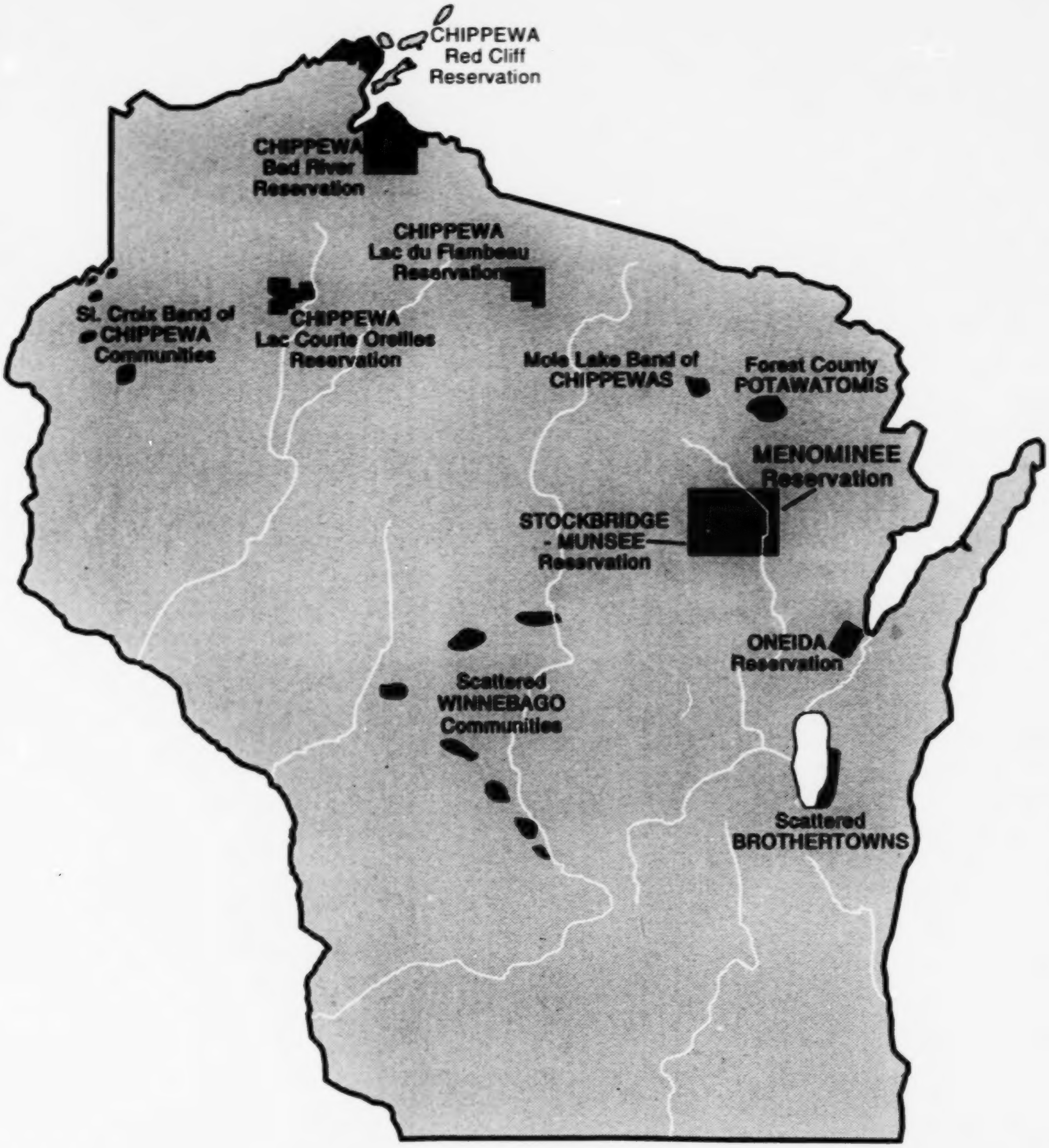
Wisconsin Indian Reservations and Communities, c. 1875[*]


CHIPPEWA
Red Cliff
Reservation
CHIPPEWA
Bad River
Reservation
CHIPPEWA
Lac du Flambeau
Reservation
St. Croix Band of
CHIPPEWA
Communities
CHIPPEWA
Lac Courte Oreilles
Reservation
Mole Lake Band of
CHIPPEWAS
Forest County
POTAWATOMIS
MENOMINEE
Reservation
STOCKBRIDGE
- MUNSEE
Reservation
ONEIDA
Reservation
Scattered
WINNEBAGO
Communities
Scattered
BROTHERTOWNS

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[*] Map by Sean Hartnett. After Robert C. Nesbit, *Urbanization and Industrialization, 1873-1893*, vol. 3 of *The History of Wisconsin*. 6 vols. Ed. William F. Thompson (Madison: State Historical Society of Wisconsin, 1985), p. 425.

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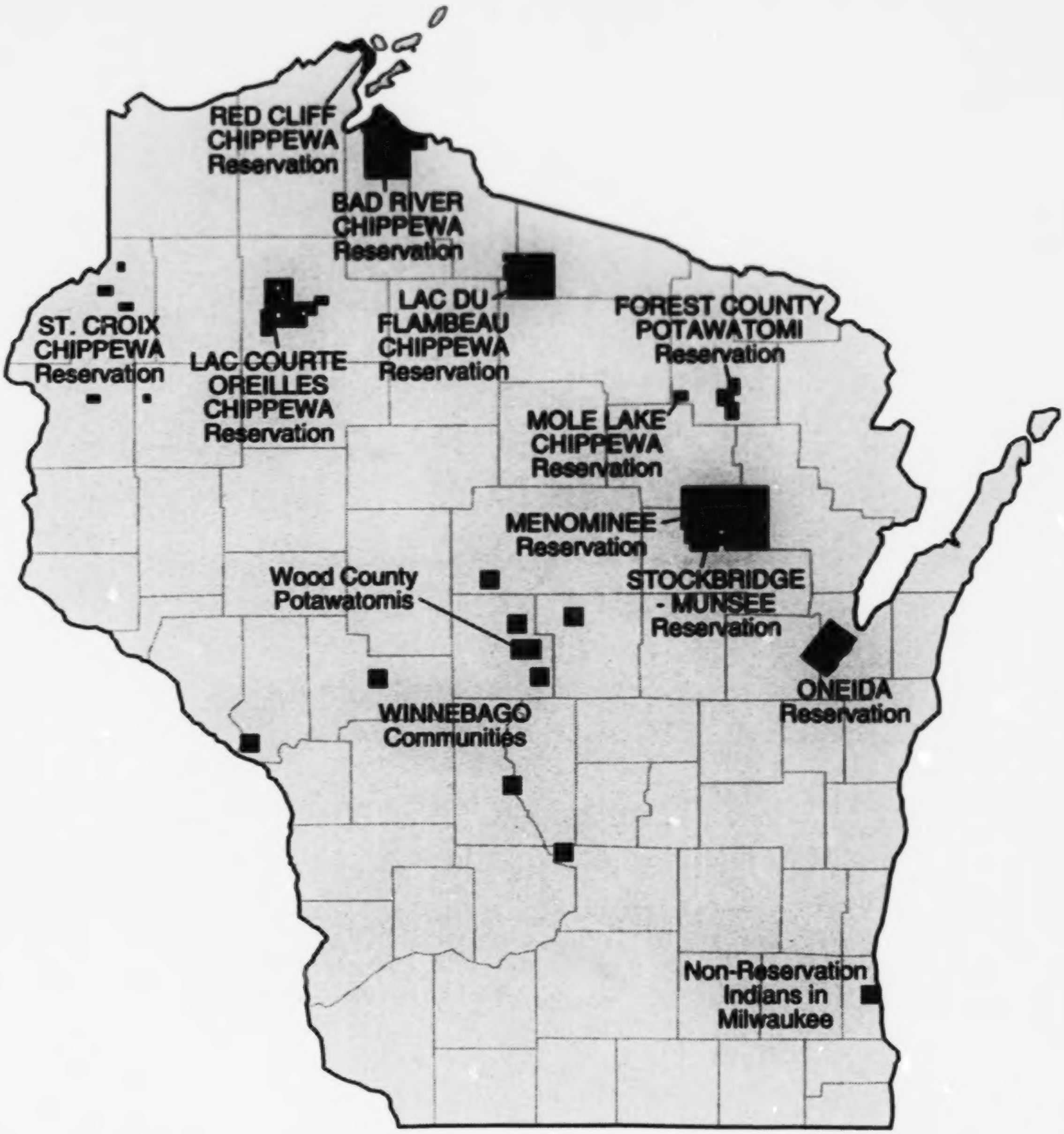
*Wisconsin Indian Reservations and Communities, 1992**


RED CLIFF CHIPPEWA Reservation
BAD RIVER CHIPPEWA Reservation
ST. CROIX CHIPPEWA Reservation
LAC COURTE OREILLES CHIPPEWA Reservation
LAC DU FLAMBEAU CHIPPEWA Reservation
FOREST COUNTY POTAWATOMI Reservation
MOLE LAKE CHIPPEWA Reservation
MENOMINEE Reservation
STOCKBRIDGE - MUNSEE Reservation
Wood County Potawatomis
ONEIDA Reservation
WINNEBAGO Communities
Non-Reservation Indians in Milwaukee

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* Map by Sean Hartnett.

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Tribal Facts

The information in the chart that follows comes from numerous sources arranged here by tribe. The authors adapted the information from these various sources to offer readers a useful tool to understand tribal similarities and differences. When teachers and students consult published sources and contact the tribes on issues such as population at contact or the enrolled population, they will discover that various opinions exist, even among members of the same tribe. The diversity of opinions is something that should be discussed.

Brothertown

Brothertown Indian Nation. *The Brothertown Indian Nation of Wisconsin: A Brief History*. Woodruff, WI: Brothertown Indian Nation, 1991, pp. 1-6.

Letter from Supt. Robert R. Jaeger, Great Lakes Agency, Bureau of Indian Affairs, U.S. Dept. of the Interior, to Ronald N. Satz, 5 Aug. 1992.

Lurie, Nancy O. *Wisconsin Indians*. Madison: State Historical Society of Wisconsin, 1987.

Vogel, Virgil J. *Indian Names on Wisconsin's Map*. Madison: Univ. of Wisconsin Pr., 1991.

Chippewa

Letter from Supt. Robert R. Jaeger, Great Lakes Agency, Bureau of Indian Affairs, U.S. Dept. of the Interior, to Ronald N. Satz, 5 Aug. 1992.

Lurie, Nancy O. *Wisconsin Indians*. Madison: State Historical Society of Wisconsin, 1987.

Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Sciences, Arts, and Letters, 1991.

Tanner, Helen Hornbeck. *The Ojibwa*. New York: Chelsea House Pubs., 1992.

Vogel, Virgil J. *Indian Names on Wisconsin's Map*. Madison: Univ. of Wisconsin Pr., 1991.

Ho-Chunk (formerly known as Winnebago)

Fay, George, comp. and ed. *Charters, Constitutions, and Bylaws of the Indian Tribes of North America*. 18 vols. Greeley: Colorado State College, 1967.

Letter from Supt. Robert R. Jaeger, Great Lakes Agency, Bureau of Indian Affairs, U.S. Dept. of the Interior, to Ronald N. Satz, 5 Aug. 1992.

Lurie, Nancy O. "Winnebago." In *Northeast*. Ed. Bruce G. Trigger. Vol. 15 of *Handbook of North American Indians*. 20 vols. Ed. William C. Sturtevant. Washington, DC: Smithsonian Inst. Pr., 1978, pp. 690-707.

________. *Wisconsin Indians*. Madison: State Historical Society of Wisconsin, 1987.

Vogel, Virgil J. *Indian Names on Wisconsin's Map*. Madison: Univ. of Wisconsin Pr., 1991.

Menominee

Fay, George, comp. and ed. *Charters, Constitutions, and Bylaws of the Indian Tribes of North America*. 18 vols. Greeley: Colorado State College, 1967.

Keesing, Felix M. *The Menomini Indians of Wisconsin; A Study of Three Centuries of Cultural Contact and Change*. 1939. Reprint. Madison: Univ. of Wisconsin Pr., 1987.

Letter from Research Analyst Kathy McDonough of the Menominee Tribal Planning Dept. to Ronald N. Satz, 14 Sep. 1992.

Lurie, Nancy O. *Wisconsin Indians*. Madison: State Historical Society of Wisconsin, 1987.

Ourada, Patricia K. *The Menominee*. New York: Chelsea House Pubs., 1990.

Spindler, Louise S. "Menominee." In *Northeast*. Ed. Bruce G. Trigger. Vol. 15 of *Handbook of North American Indians*. 20 vols. Ed. William C. Sturtevant. Washington, DC: Smithsonian Inst. Pr., 1978, pp. 708-24.

Vogel, Virgil J. *Indian Names on Wisconsin's Map*. Madison: Univ. of Wisconsin Pr., 1991.

Oneida

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	Brothertown Indians in Wisconsin	**Chippewa Indians in Wisconsin**
Commonly called	Brothertowns, Brothertons	Chippewas; Ojibwas
Own name	Pequot and Mohegan	Anishinabe ("the original people" or "human beings")
Linguistic family	Algonquian	Algonquian
Culture area	Eastern Woodlands	Northeast Woodlands (Great Lakes and Riverine Region)
Historic homeland	Eastern seaboard	Western and southern parts of Lake Superior and the northern third of Wisconsin
Clan descent	Matrilineal	Patrilineal
Type of society	Communal, independent villages	Tribal, multi-village
Traditional dwelling	Wigwam, longhouse	Dome-shaped wigwam
Traditional economy	Mixed—hunting, fishing, agriculture	Mixed—hunting, trapping, fishing, gathering, horticulture
Traditional government	Confederacy with band/village structure; communal decision making	Band structure—leaders exerted personal influence but could not command obedience
First non-Indian contact	1614 by Dutchman Adriaen Block	1634 by Frenchman Jean Nicolet
Tribal population at contact	After contact, these groups were greatly decimated by warfare and disease. After the Revolutionary War, survivors gathered at Brothertown, New York, and it is this group that migrated to Wisconsin in the 1830s.	c. 35,000, with the bulk of the population in Ontario, Canada
Wisconsin reservations	*	Bad River, Lac Courte Oreilles, Lac du Flambeau, and Red Cliff established in 1854; Mole Lake and St. Croix established in 1937
Non-reservation community	*	
Enrolled population in 1992	1,650	Bad River Band: 5,154 Lac Courte Oreilles Band: 4,636 Lac du Flambeau Band: 2,379 Red Cliff Band: 3,151 St. Croix Band: 535 Mole Lake (Sokaogon) Band: 949
Form of tribal government in Wisconsin today	Elected council	Tribal council for each of six bands
Federal status	Some people who can trace their ancestry to the Brothertown Indians are seeking federal recognition	All bands are federally recognized
Additional notes	* In 1839 the Brothertown Indians became U.S. citizens and have since become assimilated into the Stockbridge-Munsee and non-Indian populations	

	Ho-Chunk (formerly known as Winnebago) Indians in Wisconsin	**Menominee Indians in Wisconsin**
Commonly called	Winnebagos	Manomin ("wild rice people")
Own name	Hochungra or Ho-Chunk ("big fish people"—reflecting traditional dependence on sturgeon or "people of the parent speech")	Manomeianni (etymology is obscure, but not from their word for wild rice)
Linguistic family	Siouan	Algonquian
Culture area	Northeast Woodlands (Great Lakes and Riverine Region)	Northeast Woodlands (Great Lakes and Riverine Region)
Historic homeland	Red Banks, eastern shore of Green Bay	Shores of Green Bay and the Menominee River in Wisconsin
Clan descent	Patrilineal	Patrilineal
Type of society	Tribal, multi-village	Tribal, multi-village
Traditional dwelling	Wigwam	Rectangular bark cabins for summer and dome-shaped lodge of mats or bark for winter
Traditional economy	Mixed—heavy dependence on horticulture, with hunting and fishing	Mixed—hunting, fishing, gathering, horticulture
Traditional government	Band structure—leaders exerted personal influence but could not command obedience	Band structure—leaders exerted personal influence but could not command obedience
First non-Indian contact	1634 by Frenchman Jean Nicolet	1634 by Frenchman Jean Nicolet
Tribal population at contact	c. 10,000 reduced to about 450 to 600 as a result of epidemic diseases by the latter part of the 1600s	Estimated from 500 to 2,464
Wisconsin reservations	None	North-central Wisconsin along the Wolf River about 50 miles from their original location, established in 1856
Non-reservation community	4,116 acres of tribal or allotted lands in small tracts over ten counties, principally near Black River Falls, Wisconsin Dells, Wittenberg, Wisconsin Rapids, Tomah, and La Crosse	
Enrolled population in 1992	4,177	7,117
Form of tribal government in Wisconsin today	Constitutional democracy, consisting of four branches—President, Legislature, Court, and General Council	Tribal council
Federal status	Federally recognized in 1963	After termination of tribal status in 1961, tribal status and federal recognition was restored in 1973.
Additional notes		

	Oneida Indians in Wisconsin	**Potawatomi Indians in Wisconsin**
Commonly called	Oneidas	Potawatomis
Own name	Oneyote ("people of the erected stone"—refers to a large syenite boulder that, according to legend, always appeared near their main settlement)	Neshbane ("true human" or "true people")
Linguistic family	Iroquoian	Algonquian
Culture area	Northeast Woodlands (St. Lawrence Lowlands Region)	Northeast Woodlands (Great Lakes and Riverine Region)
Historic homeland	Upstate New York, south of Lake Ontario	Southwest Michigan
Clan descent	Matrilineal	Patrilineal
Type of society	Tribal, single principal village	Tribal, multi-village
Traditional dwelling	Longhouse	Dome-shaped wigwam
Traditional economy	Mixed—horticulture, gathering, hunting, and fishing	Mixed—horticulture, hunting, fishing
Traditional government	Tribal council, member of Iroquois Confederacy	Band structure—leaders exerted personal influence but could not command obedience
First non-Indian contact	1634 by Dutch explorers	1634 by Frenchman Jean Nicolet
Tribal population at contact	654 (upon arrival in Wisconsin)	c. 2,500
Wisconsin reservations	Brown and Outagamie counties; along Duck Creek, west of Green Bay, established in 1838	Forest County established in 1913
Non-reservation community		Wood County, Wisconsin Potawatomis are seeking recognition as a Wisconsin band. They are currently members of the Prairie Band Potawatomi of Kansas.*
Enrolled population in 1992	10,474	803 (Forest County)
Form of tribal government in Wisconsin today	Tribal council	Tribal council
Federal status	Federally recognized	Federally recognized
Additional notes		* Today's Potawatomis are descendants of various groups: those who fled north to avoid removal to Indian Country, those who returned from Kansas, and those who returned after moving originally to Canada. The Potawatomi families who live in Wood County, southwest of the Forest County reservation, live on rented or purchased property. Although they lived in the county for several generations, they are enrolled at the Potawatomi reservation at Mayetta, Kansas. Thus they belong to a federally recognized tribe but its location is not in Wisconsin.

	Sac and Fox Indians in Wisconsin	**Sioux Indians in Wisconsin**
Commonly called	Sac and Foxes	Eastern Sioux
Own name	Mesquakie ("yellow-earth people"); Outagamie ("red-earth people")	Dakota
Linguistic family	Algonquian	Siouan
Culture area	Eastern Woodlands (Great Lakes and Riverine Region)	Eastern Woodlands
Historic homeland	East-central Wisconsin near Green Bay	St. Croix and upper Mississippi River regions
Clan descent	Patrilineal	Matrilineal
Type of society	Tribal, multi-village*	Tribal, extended family units
Traditional dwelling	Bark-covered longhouses	Tipi
Traditional economy	Mixed—hunting, trapping, horticulture, and gathering	Mixed—hunting and gathering
Traditional government	Fox: band/village structure—loose tribal organization; Sac: tribal—paramount chief	Band structure—leaders exerted personal influence but could not command obedience
First non-Indian contact	French Jesuits in 1666	c. 1650s*
Tribal population at contact	Sac: c. 3,500 Fox: c. 3,000	c. 19,000
Wisconsin reservations		
Non-reservation community		
Enrolled population in 1992		
Form of tribal government in Wisconsin today		
Federal status		
Additional notes	* U.S. often treated the Sacs and Foxes as a single tribe. These tribes are very similar in culture and were closely linked since the 1730s but their alliance never became a union or a confederacy.	* First mentioned by Frenchman Jean Nicolet in 1634 but were probably located near the Mississippi River. Later contact reported by French missionaries and explorers—including Pierre Esprit Radisson and Medard Chouart, Sieur des Groseilliers—who held a "rendezvous" with the Sioux at a location believed to be in northwestern Wisconsin in 1660.

	Stockbridge-Munsee Indians in Wisconsin
Commonly called	Stockbridge-Munsees*
Own name	Mohicans, Mahicans ("people of waters that are never still"); Munsees
Linguistic family	Algonquian
Culture area	Eastern Woodlands—Coastal region
Historic homeland	Mohicans who moved from western Massachusetts to New York's Hudson River Valley; a Delaware subtribe that merged with Stockbridge in Indiana
Clan descent	Matrilineal
Type of society	Tribal, single independent villages
Traditional dwelling	Wigwam, longhouse
Traditional economy	Mixed—hunting, fishing, agriculture
Traditional government	Confederacy with band/village structure; communal decision making
First non-Indian contact	Early 1600s by the Dutch
Tribal population at contact	Estimates of Mohican population range from 8,000 to 25,000
Wisconsin reservations	1821—area in Fox River valley 1832—township east of Lake Winnebago 1856—two townships ceded by Menominee 1936—land in Bartleme township restored*
Non-reservation community	
Enrolled population in 1992	1,495
Form of tribal government in Wisconsin today	Stockbridge-Munsee Tribal Council. Awaiting entrance into three-branch government of Mohican Nation.
Federal status	Federally recognized
Additional notes	* The Munsees have no seat of government in Wisconsin except through their affiliation with the Stockbridge Indians. Some Munsee families who joined the Stockbridges in Wisconsin moved on to Oklahoma, some went to Canada, others returned to New York. Still others intermarried and were absorbed by the Stockbridge people. Today, there is not a recognizable group of Munsees within the Stockbridge-Munsee tribe. The Munsees were represented in the Treaty of 1821 by Rufus Turkey, a deputy authorized and empowered to represent them. There does not seem to have been a reservation established for the Munsees except that the Stockbridges allowed them to live on their land and share the same rights. The Constitution of 1856 states there will be no distinction between the Stockbridges or Munsees. The Munsees in Wisconsin are not treated as a group separate from the Stockbridges.

Seasonal Traditional Activities*

	Crafts	Subsistence/ Trade Hunting	Agriculture	Fishing	Gathering Materials	Gathering Foods
Spring	Making tools	Bear Deer Moose Marten Mink Muskrat Rabbit Buffalo**		All varieties of fish		Maple sugar
Summer	Making tools		Beans Corn Pumpkins Squash	All varieties of fish		
Fall	Making tools	Beaver Deer Duck Geese Turkey	Beans Corn Pumpkins Squash	All varieties of fish	Medicinal herbs and roots	Berries Wild rice Wild potatoes
Winter	Making tools Beadwork Basket-making Pottery	Bear Deer Moose Marten Mink Muskrat Rabbit Wolf		All varieties of fish	Surface mining***	

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* Adapted from Thomas Vennum, *Wild Rice and the Ojibway People* (St. Paul: Minnesota Historical Society Pr., 1988), fig. 1, p. 4, with additional data from Bruce G. Trigger, ed., *Northeast*, vol. 15 of *Handbook of North American Indians*. 20 vols. Ed. William G. Sturtevant (Washington, DC: Smithsonian Inst. Pr., 1978); and Carol Mason, *Introduction to Wisconsin Indians: Prehistory to Statehood* (Salem, WI: Sheffield Pub. Co., 1988).

** Mainly by the Sac and Fox and the Sioux Indians.

*** Especially copper by the Chippewas and lead by the Potawatomis, the Sac and Foxes, and the Ho-Chunks.

Spring						
Summer						
Fall						
Winter						

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Traditional Family and Clan Relationships

by Angela J. Firkus

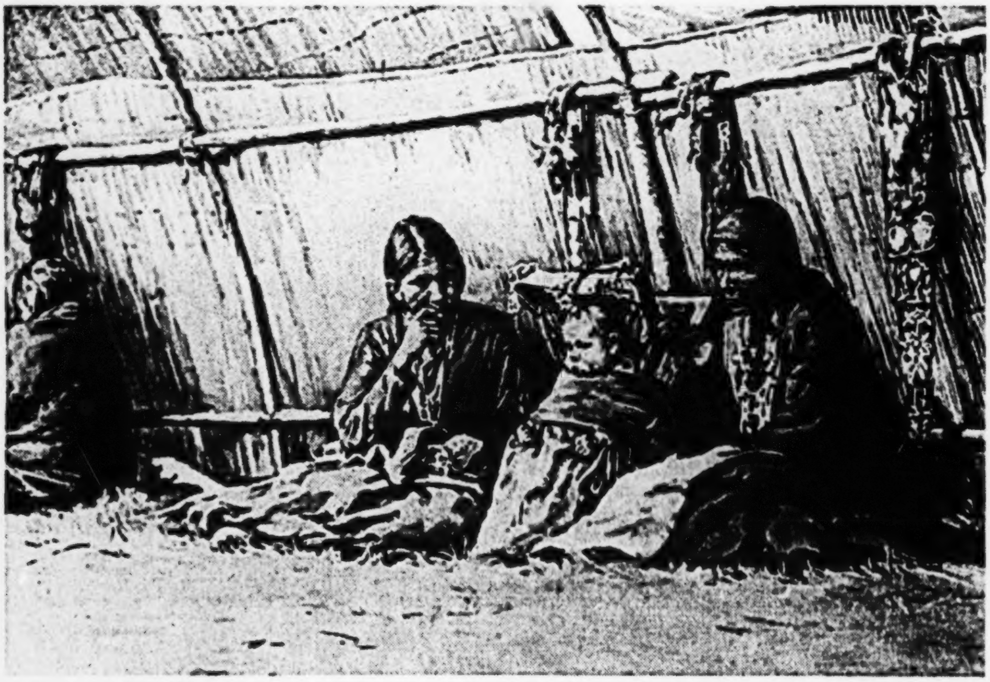
The social organization of the Wisconsin Indians was important in both domestic and public life. The nuclear family, extended family or band, clan, and in some cases phratries (linked clans), and moieties (dual divisions), together governed all aspects of life. Most tasks and responsibilities rested within one of the divisions. The nuclear family was the economic unit; the extended family or band supported the nuclear family and its tasks; and the clan organization governed external relationships of the family, from marriage to politics.

Within the nuclear family (parents and their unmarried children) a division of labor existed. Each family was an economic unit and each person within the family had tasks to do to make the unit function well. The division of labor rested upon gender, but the division was not so strict as to inhibit normal activities and was flexible enough to allow the most important tasks to require the labor of both genders. Among most of the Wisconsin Indian peoples this meant that usually the men were responsible for hunting and for protecting the village. Usually the women were responsible for the domestic duties of cooking and cleaning but also contributed food in the form of small game, berries, maple sap, and vegetables gathered wild or grown in gardens. The societies were not patriarchal. Each gender governed its own sphere. Both genders cooperated in the making of canoes and lodges, the collecting of wild rice, and in the process of moving.

Although the male role of warrior and hunter has been stereotypically glorified by non-Indian writers, Indian cultures tended to recognize and honor warriors, more than glorify them. Wisconsin Indian peoples also recognized the importance of women as creators of life and as the source of nurture, a fact evident in their creation stories. For example, in the Menominee creation story, two women, a mother and daughter, are placed on the earth. The daughter gives birth to Manapuso sa, the first man, and to a buffalo, a moose, an elk, and all the animals of the earth. The daughter dies but the grandmother remains to raise Manapuso sa and to guide him in his life.

The nuclear family relied heavily on the extended family for support. One of the most important tasks the extended family handled was the socialization of children. For a child's first year it would spend much of its time on a cradle board, either tied to a tree or attached to its mother's back. As soon as it was able, the child began to imitate people performing tasks appropriate to its gender. Adults rarely punished the children, especially when very young. Tactics used to discourage negative behavior included dousing with cold water, threat of evil spirits or animals (the owl was a common subject), social ostracism, and fasting. Though the skills they learned were different, Indian girls and boys were both taught by example and first-hand experience. A Fox woman remembered this about her childhood:

> When I was perhaps seven years old I began to practice sewing for my dolls. But I sewed poorly. I used to cry because I did not know how to sew. Nor could I persuade my mother to (do it) when I said to her, "Make it for me." "You will know how to sew later on, that is why I shall not make them for you. That is how one learns to sew, by practicing sewing for one's dolls. That is why one has dolls, namely, to make everything for them—their clothing and moccasins." And so I would always practice sewing for my dolls. (Michelson, 1925, p. 297)



Infant on Cradleboard. From Walter James Hoffman."The Menomini Indians." Fourteenth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1892-1893. *Washington, DC: GPO, 1896, Part 1, Plate 19, p. 259.*

Charles Eastman, an eastern Sioux, remembered aspects of his education in the following way:

> Every day there was a real hunt. There was real game. Occasionally there was a medicine dance away off in the woods where no one could disturb us, in which the boys impersonated their elders, Brave Bull, Standing Elk, High Hawk, Medicine Bear, and the rest. They painted and imitated their fathers and grandfathers to the minutest detail, and accurately too, because they had seen the real thing all their lives. (Eastman, 1924)

Besides the practical training received from members of its family, the child received moral and social training from the elders of the extended family. Ho-Chunk (formerly known as Winnebago) youths were given daily lectures, which consisted of "precepts" or "teachings," by elders. These teachings told the children, among other things, how to be liked and respected. Among the teachings that Paul Radin recorded among the Ho-Chunk are the following:

> My son, when you grow up you should see to it that you are of some benefit to your fellow men. There is only one way in which you can begin to be of any aid to them, and that is to fast. So, my son, see to it that you fast. Our grandfather, the fire, who stands at all times in the center of our dwelling, sends forth all kinds of blessings. Be sure that you make an attempt to obtain his blessings. My son, never abuse your wife. The women are sacred. If you abuse your wife and make her life miserable, you will die early. Our

grandmother, the earth, is a woman, and in mistreating your wife you will be mistreating her. Most assuredly will you be abusing our grandmother if you act thus. And as it is she that is taking care of us you will really be killing yourself by such behavior.

My son, when you keep house, should anyone enter your house, no matter who it is, be sure to offer him whatever you have in the house.

If you see an old, helpless person, help him with whatever you possess.

My son, do not become a gambler. You might, it is true, become rich, but in spite of your wealth all your children will die. No gambler ever had children. It is an affair of the bad spirits entirely. Now if you do all that I have told you, you will unquestionably lead a happy and contented life.

My daughter, as you go along the path of life, always listen to your parents. Do not permit your mother to work. Attend to your father's wants. All the work in the house belongs to you. Never be idle. Chop the wood, carry it home, look after the vegetables and gather them, and cook the food. When in the spring of the year you move back to your permanent settlements, plant your fields immediately. Never get lazy. Earthmaker created you for these tasks.

Informant, a member of the Thunderbird clan [To the interviewer]: I still keep up the old system of teaching my children at the camp fire. In the morning I wake them up early and start to teach them as follows:

My children, as you travel along life's road never harm anyone, nor cause anyone to feel sad. On the contrary, if at any time you can make a person happy, do so. If at any time you meet a woman in the wilderness (i.e., away from your village), and if you are alone and no one can see you, do not scare her or harm her, but turn off to the right and let her pass. Then you will be less tempted to molest her.

My children, if you meet anyone on the road, even though it is only a child, speak a cheering word before you pass on. Fast as much as you can, so that when you grow up you can benefit your fellow men. If you ever get married you must not sit around your lodge near your wife, but try and get game for your wife's people. So fast that you may be prepared for your life.

My daughters, if at any time you get married, never let your husband ask for a thing twice. Do it as soon as he asks you. If your husband's folks ever ask their children for something when you are present, assume that they had asked it of you. If there is anything to be done, do not wait till you are asked to do it, but do it immediately. If you act in this way, then they will say that your parents taught you well.

My son, if you find nothing else to do, take an ax and chop down a tree. It will become useful some day. Then take a gun and go out hunting and try to get game for your family.

[To the interviewer:] As soon as I see that the children are showing signs of restlessness then I stop immediately. (Radin, 1970)

The other Wisconsin Indian peoples' moral education does not seem to have been as formal. A Fox woman recalled that at the time of her first menstrual period her grandmother came to be with her and to give her "instructions."

And my grandmother would keep on giving me instructions there, telling me how to lead a good life. She really was a very old woman. Surely she must have spoken the truth in what she had been saying to me. "My grandchild," she would say to me, "soon I shall tell you how to live an upright life. Today you see how old I am. I did exactly what I was told. I tried and thought how to live an upright life. Surely I have reached an old age," she told me. "That is the way you should do, if you listen to me as I instruct you. Now as for your mother, I began giving her instructions before she was grown up, every time I saw her. Because she was my relative is why I gave her instructions, although she was well treated by her father's sister by whom she was reared. That is why she knows how to make things which belong to the work of us women. If you observe the way your mother makes anything, you would do well, my grandchild. And this. As many of us as entered young womanhood, fasted. It was very many days: some fasted ten days, some four, five, every kind of way. Today, to be sure, things are changing. When I was a young woman I fasted eight days. We always fasted until we were grown up," my grandmother told me. (Michelson, 1925, p. 305)

Chippewa, Menominee, and eastern Sioux children often heard stories as part of their teaching. Whether told by a grandparent to a favorite grandchild or told by an elder to a group of children, these stories conveyed the values of the clan. These values may have included reliability and a willingness to do hard work as demonstrated in the following eastern Sioux story entitled "The Little Mice."

Once upon a time a prairie mouse busied herself all fall storing away a cache of beans. Every morning she was out early with her empty cast-off snake skin, which she filled with ground beans and dragged home with her teeth.

The little mouse had a cousin who was fond of dancing and talk, but who did not like to work. She was not careful to get her cache of beans and the season was already well gone before she thought to bestir herself. When she came to realize her need, she found she had no packing bag. So she went to her hardworking cousin and said:

"Cousin, I have no beans stored for winter and the season is nearly gone. But I have no snake skin to gather the beans in. Will you lend me one?

"But why have you no packing bag? Where were you in the moon when the snakes cast off their skins?

"I was here.

"What were you doing?

"I was busy talking and dancing.

"And now you are punished," said the other. "It is always so with lazy, careless people. But I will let you have the snake skin. And now go, and by hard work and industry, try to recover your wasted time." (McLaughlin, 1990)

The social and political unit above the band was the clan. Besides the eastern Sioux, which had no organizations beyond the village bands, all the Wisconsin Indian peoples formed clans. The number of clans fluctuated over time. Each clan had a totem or sacred symbol that represented the group. The Potawatomi linked some of its clans together in phratries. Clans were exogamous, meaning one must marry outside of their own clan. All of the clans besides the Oneida, Stockbridge-Munsee, and Brothertown clans are believed to have been patrilineal, where the children belong to their father's clan. The exogamous feature meant that one village would have many different clans represented in it. The New York Indians were matrilineal, meaning the children belonged to their mother's clan. Besides governing marriage and lineage, clan organization determined inheritance, property rights, governmental succession, and politics.

For example, the Oneidas formerly consisted of three clans, the Wolf, Bear, and Turtle. Each clan was made up of at least one family, or *owachira*, which had a female leader. Membership in the owachira was granted only by birth or adoption. The owachira owned land and passed down property rights, names, titles, and eligibility to office through the female line. Clan mothers had the right to choose successors to government offices from among the men of the clan.

Besides the family-band-clan structure, the Sauk and Foxes, the Ho-Chunks, the Menominees, and the Potawatomis further divided their people into moieties, or dual divisions. A first-born belonged to one of the groups and the second to the other group and so on. In the Sauk and Fox dual divisions, for example, the first-born child belonged to the division that the father did not belong to and the second-born child belonged to the same division as the father. The divisions organized people for games like lacrosse, for seating arrangements at ceremonies, dances, warfare, and camp police. The divisions may have come about as tension-relieving mechanisms for competitions since the resulting teams would cut across clans and families. The Ho-Chunks had dual divisions based on sky clans and earth clans. Sky clans included the thunder clan, the hawk clan, and two others. The earth or land clans included the bear clan, the deer clan, and five other clans. Each tribe had its own distinct clan systems.

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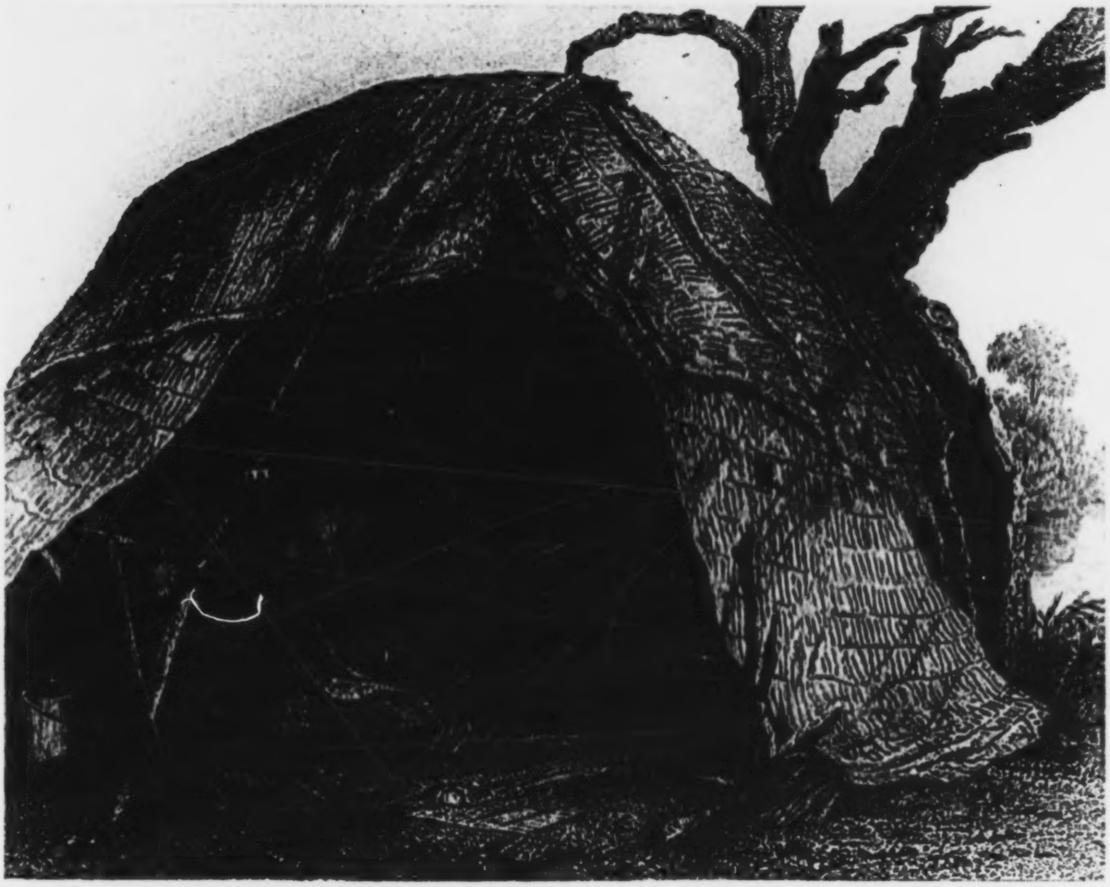
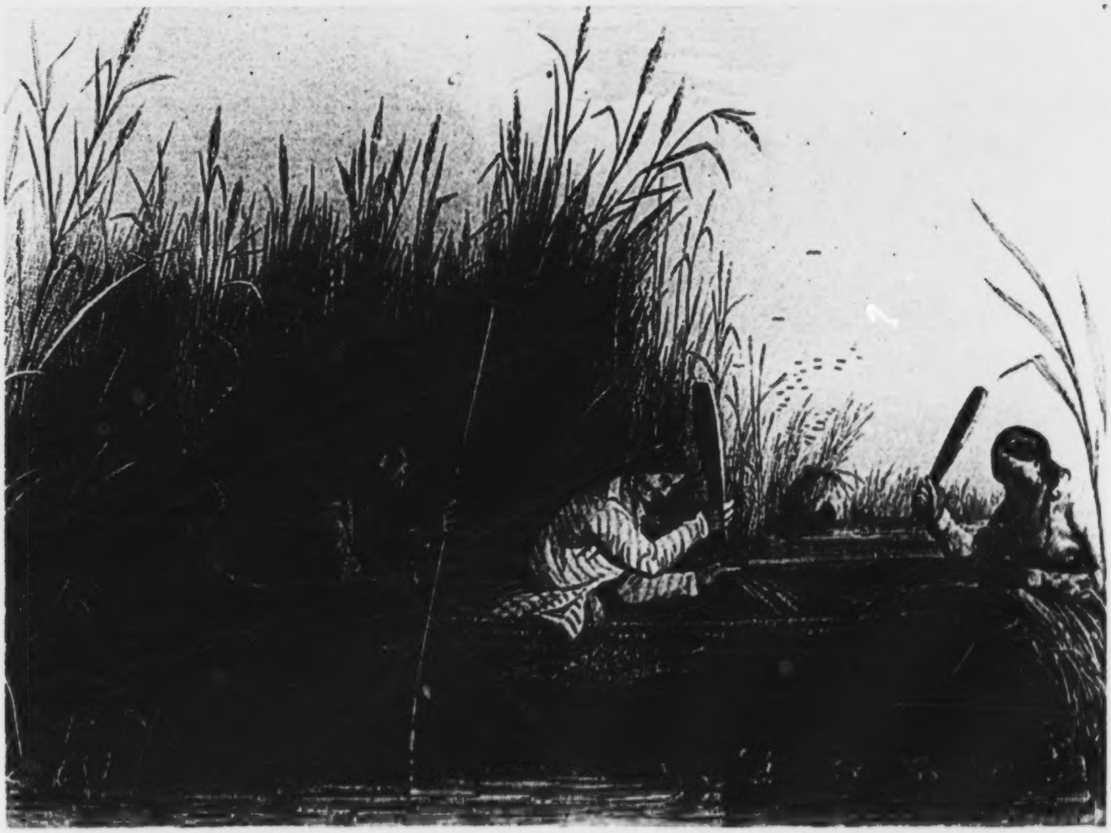
Traditional Indian Life: A Photo Essay

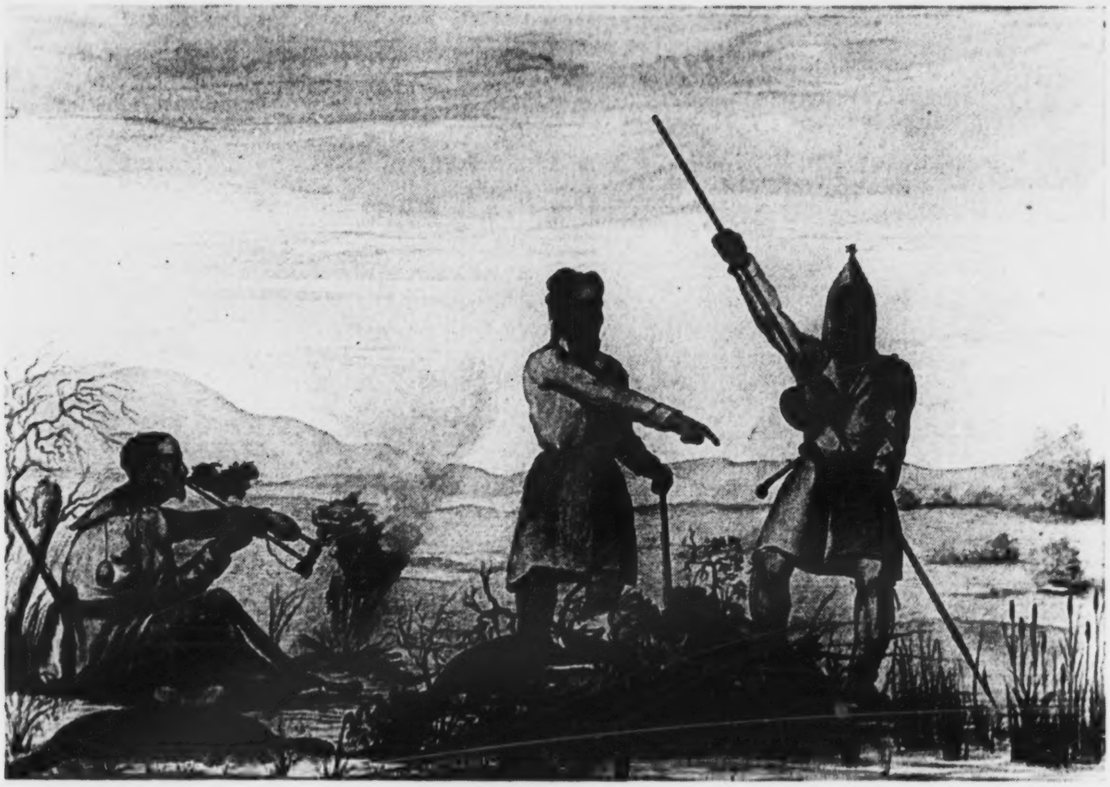
The following illustrations and photographs depict Wisconsin Indians involved in traditional seasonal subsistence activities during the nineteenth and early twentieth centuries.



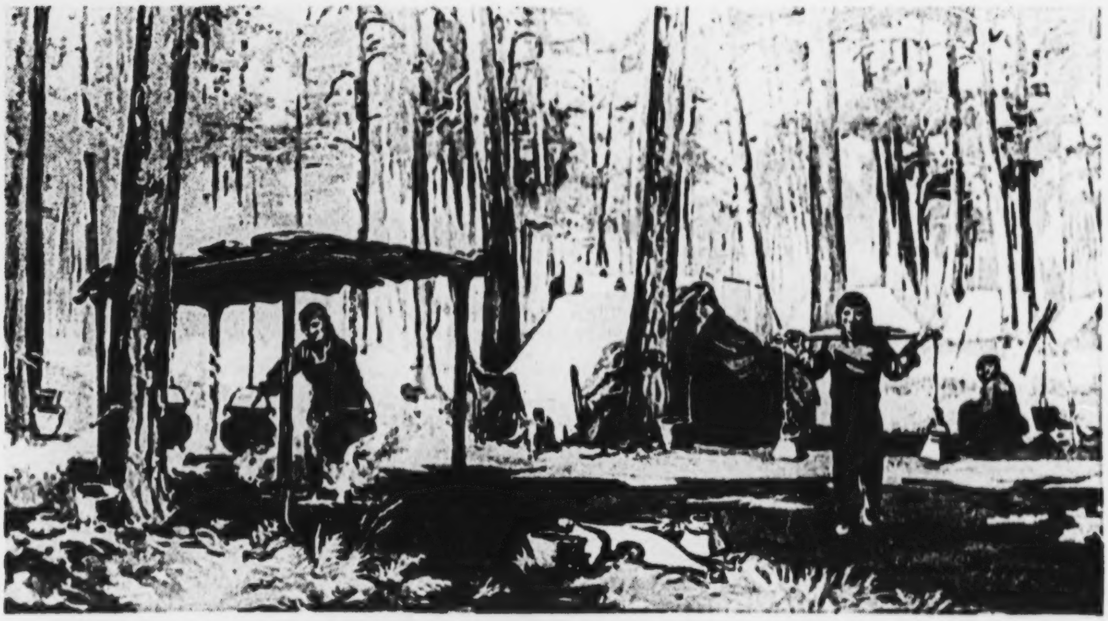
A. **Making cures.** *An Indian doctor makes cures from herbs that he has collected. Medical experts still recognize the healing effects of many of the plants first used by Indians. From a Seth Eastman painting in Henry Rowe Schoolcraft's* Indian Tribes of the United States, *1884. Vol. 1, p. 76. Iconographic Collection, State Historical Society of Wisconsin.*



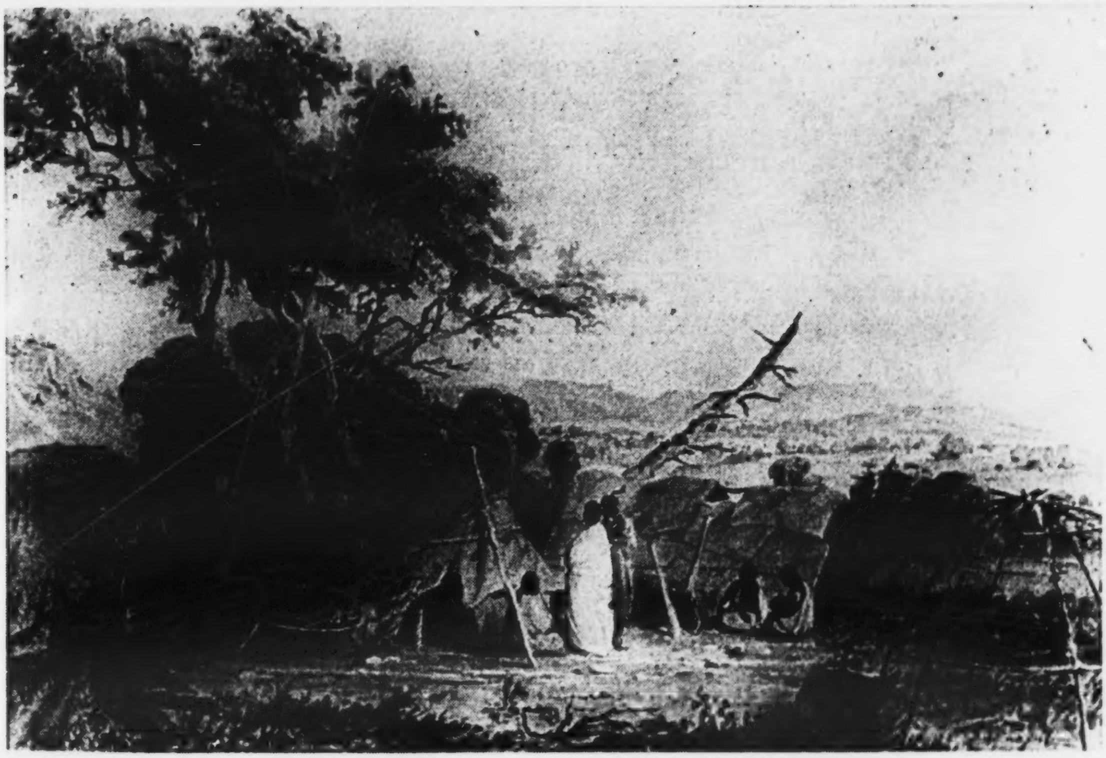
B. **Wild ricing in the fall**. *Wild rice grows in shallow, still, fresh water. Women paddled canoes through the rice fields, knocking the tip of the plants. The grain fell on mats in their canoes. The rice was later winnowed and stored in mococks. From a Seth Eastman painting in Henry Rowe Schoolcraft's* Indian Tribes of the United States, *1884. Vol. 1, Plate 68, p. 235. After the 1857 edition, Vol. 6, Plate 4, p. 553, ed. Francis S. Drake. Iconographic Collection, State Historical Society of Wisconsin.*



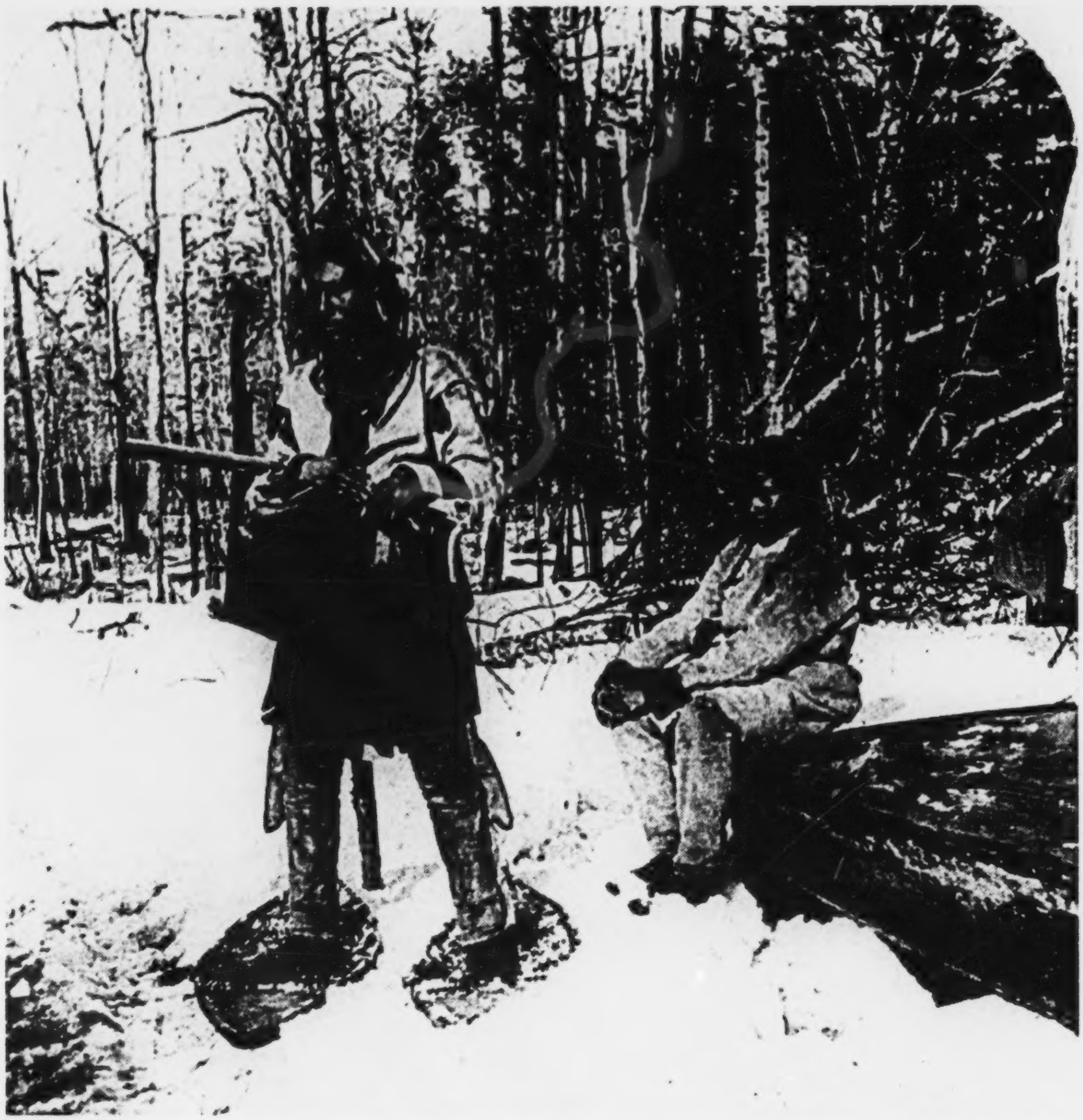
C. **Spearing beaver in winter in the north**. *During the fur trade period, Indian men spent much time hunting for fur-bearing animals. Watercolor by Peter Rindisbacher, 1830-34. Iconographic Collection, State Historical Society of Wisconsin.*



D. **Making sugar**. *Members of entire Indian villages gathered sap from sugar maple trees in March. The sap was collected in wooden troughs and then boiled in large metal kettles. Some was made into syrup and the rest was boiled down into maple sugar. From Walter James Hoffman. "The Menomini Indians."* Fourteenth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1892-1893. *Washington, DC: GPO, 1896, Part 1, Plate 33, p. 287.*



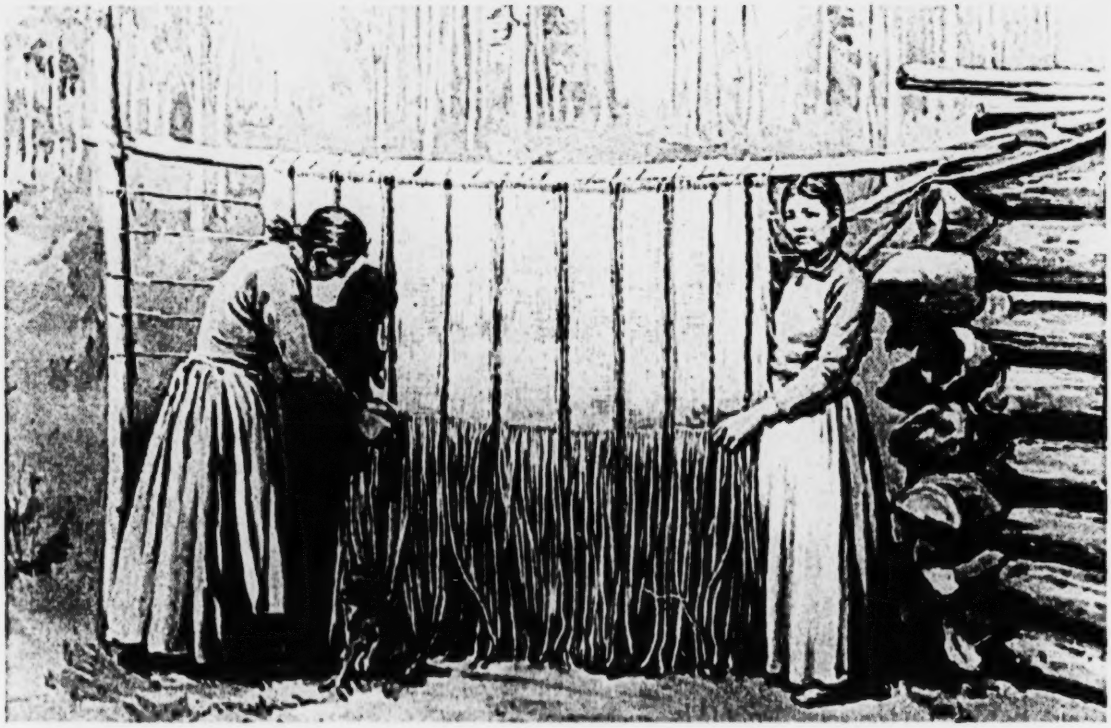
E. **Making wigwams in a Winnebago camp in the 1840s.** *Wigwams were made of sapling frames covered with cattail mats and birchbark. A smokehole was left in the center of the roof. From a Seth Eastman painting in Henry Rowe Schoolcraft's* Indian Tribes of the United States, *1884. Vol. 1, p. 373. Iconographic Collection, State Historical Society of Wisconsin.*



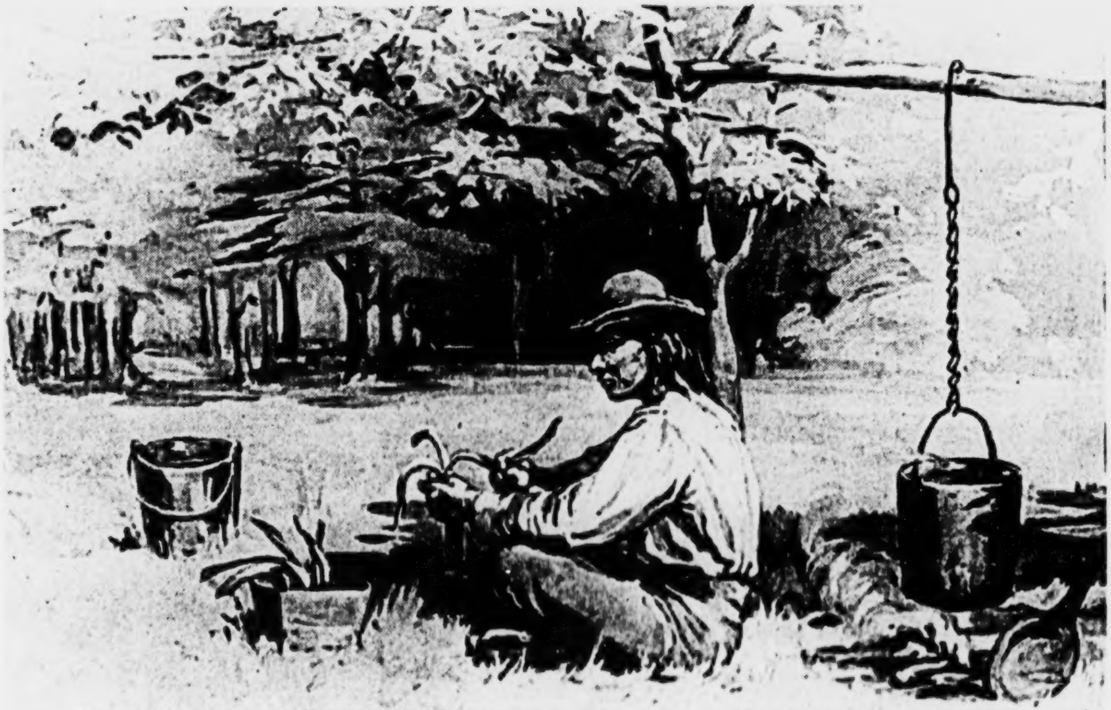
F. **Hunting in winter on snowshoes.** *Chippewa hunters tied light, wooden, oval frames, laced with thongs, to their feet. These snowshoes allowed them to walk on soft snow without sinking. Half of a stereograph by Charles W. Zimmerman, St. Paul, Minnesota. Iconographic Collection, State Historical Society of Wisconsin.*

G. **Chippewa woman preparing splints for weaving a basket.** *(about 1925) Birchbark containers were also used and some baskets were made of sweet grass. Iconographic Collection, State Historical Society of Wisconsin.*

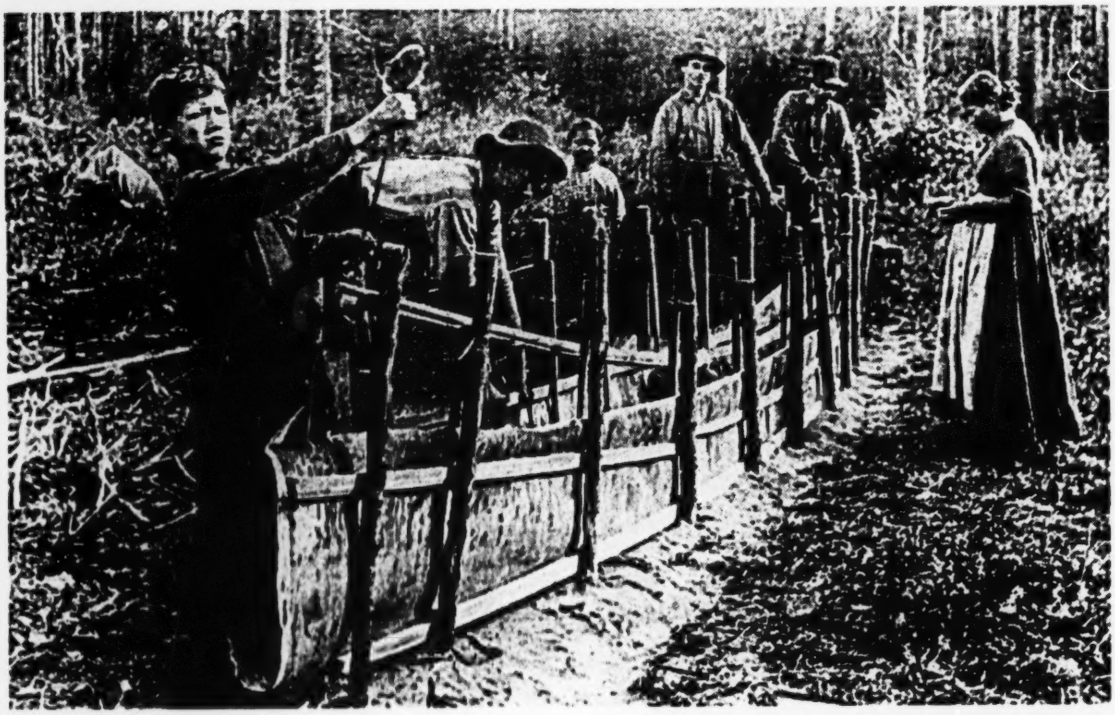
H. **Tanning**. *From Walter James Hoffman. "The Menomini Indians."* Fourteenth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1892-1893. *Washington, DC: GPO, 1896, Part 1, Plate 24, p. 269.*



I. **Mat making**. *From Walter James Hoffman. "The Menomini Indians."* Fourteenth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1892-1893. *Washington, DC: GPO, 1896, Part 1, Plate 20, p. 261.*



J. **Splitting bark**. *From Walter James Hoffman. "The Menomini Indians."* Fourteenth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1892-1893. *Washington, DC: GPO, 1896, Part 1, Plate 10, p. 113.*



K. **Setting up bark canoe.** *From Walter James Hoffman. "The Menomini Indians."* Fourteenth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1892-1893. *Washington, DC: GPO, 1896, Part 1, Plate 37, p. 295.*

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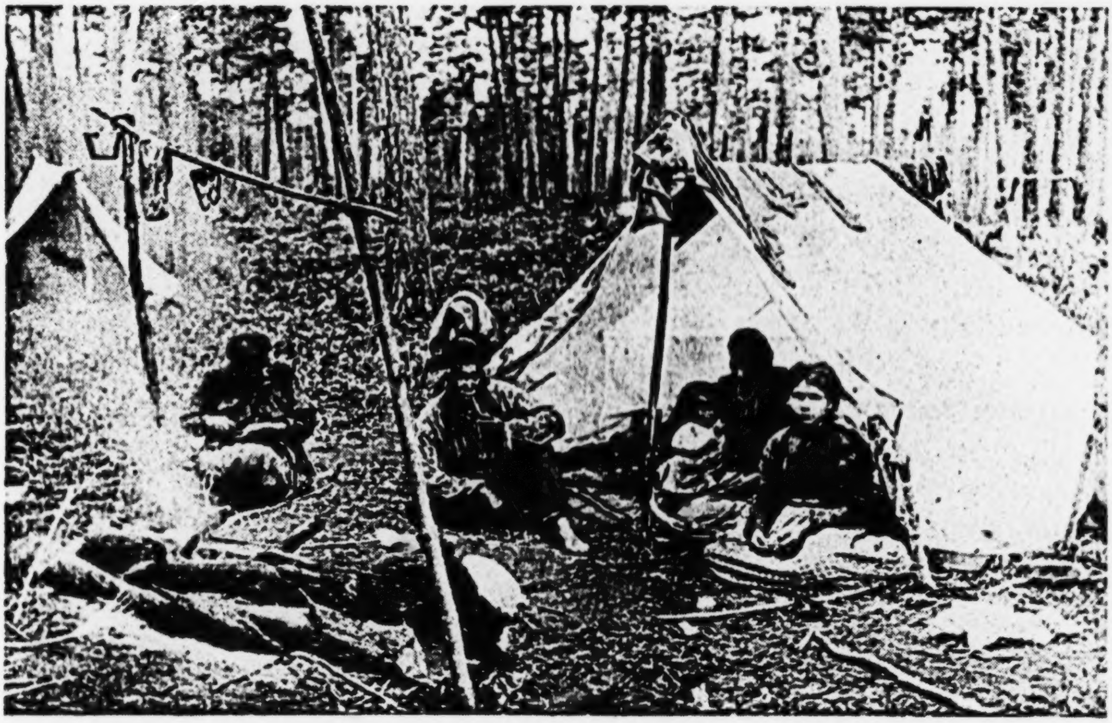


L. **Berry pickers making camp**. *From Walter James Hoffman. "The Menomini Indians."* Fourteenth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1892-1893. *Washington, DC: GPO, 1896, Part 1, Plate 34, p. 289.*

Tribal Sovereignty

by Ronald N. Satz

This fundamental raises and answers seven questions to assist students in understanding the concept of sovereignty. The responses range from Chief Justice John Marshall's landmark decision of 1832 to the most current scholarship on tribal governments, represented by Sharon O'Brien's book on tribal governments. Others are based largely on curriculum materials developed by the Indian Legal Curriculum and Training Program of the Institute for the Development of Indian Law and are found in its publication on sovereignty by Kirke Kickingbird and other scholars.

What is a nation?

"A community of people composed of one or more nationalities and possessing a more or less defined territory and government."

Webster's Ninth New Collegiate Dictionary (1985)

What is sovereignty?

1. "The supreme power from which all specific political powers are derived. Sovereignty is inherent; it comes from within a people or culture. It cannot be given to one group by another. Some people feel that sovereignty, or the supreme power, comes from spiritual sources. Other people feel that it comes from the people themselves."

Kickingbird, et al., p. 1

2. "[Sovereignty is] our existence as a nation with the power to govern ourselves in regard to political, social and cultural aspects that meet the needs of our people."

The Oneida Nation of Wisconsin
in Kickingbird, et al., p. 2

What are the powers traditionally exercised by sovereign nations?

Sovereign nations exercise powers that enable them to

- select their own form of government;
- make and enforce laws;
- define and regulate the use of their territory;
- determine membership or citizenship;
- regulate trade within their borders and their members and between their members and those of other nations;
- impose and collect taxes;
- appropriate moneys;
- regulate domestic relations (including marriage, divorce, and adoption);
- regulate property;
- establish a monetary system;
- make war and peace; and
- form alliances with foreign nations through treaties, contracts, and agreements.

Adapted from Kickingbird, et al., pp. 4-5

Did Indian tribes surrender their sovereignty in treaty negotiations with the United States?

The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial, with the single exception of that imposed by irresistible power, which excluded them from intercourse with any other European potentate than the first discoverer of the coast of the particular region claimed: and this was a restriction which those European potentates imposed on themselves, as well as on the Indians. The very term "nation," so generally applied to them, means "a people distinct from others." The constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and consequently admits their rank among those powers who are capable of making treaties. The words "treaty" and "nation" are words of our own language, selected in our diplomatic and legislative proceedings, by ourselves, having each a definite and well understood meaning. We have applied them to Indians, as we have applied them to the other nations of the earth. They are applied to all in the same sense . . . .

. . . The very fact of repeated treaties with them recognizes [the Indians' right to self-government] and the settled doctrine of the law of nations is that a weaker power does not surrender its independence—its right to self-government—by associating with a stronger, and taking its protection. A weak state, in order to provide for its safety, may place itself under the protection of one more powerful, without stripping itself of the right of government, and ceasing to be a state.

Chief Justice John Marshall
Worcester v. Georgia, 6 Peters 515 (1832), pp. 559-61

What are some of the federal enactments that have limited, directly or indirectly, the power of Indian tribes to exercise their sovereign rights?

- Indian Trade and Intercourse Acts, 1790-1834
- Indian Removal Act of 1830
- Amendments to treaties
- Appropriation acts
- The Major Crimes Act of 1885
- The General Allotment (Dawes) Act of 1887
- The Indian Reorganization Act of 1934
- Public Law 280 of 1953

Adapted from Kickingbird, et al., pp. 15-24

What are the inherent powers of Indian governments today?

The inherent powers of Indian tribes on their reservations today include all of the powers of sovereign governments except those powers that may have been qualified or limited by treaties, agreements, or specific acts of the U.S. Congress. Powers remaining *on the reservations* today include the power to

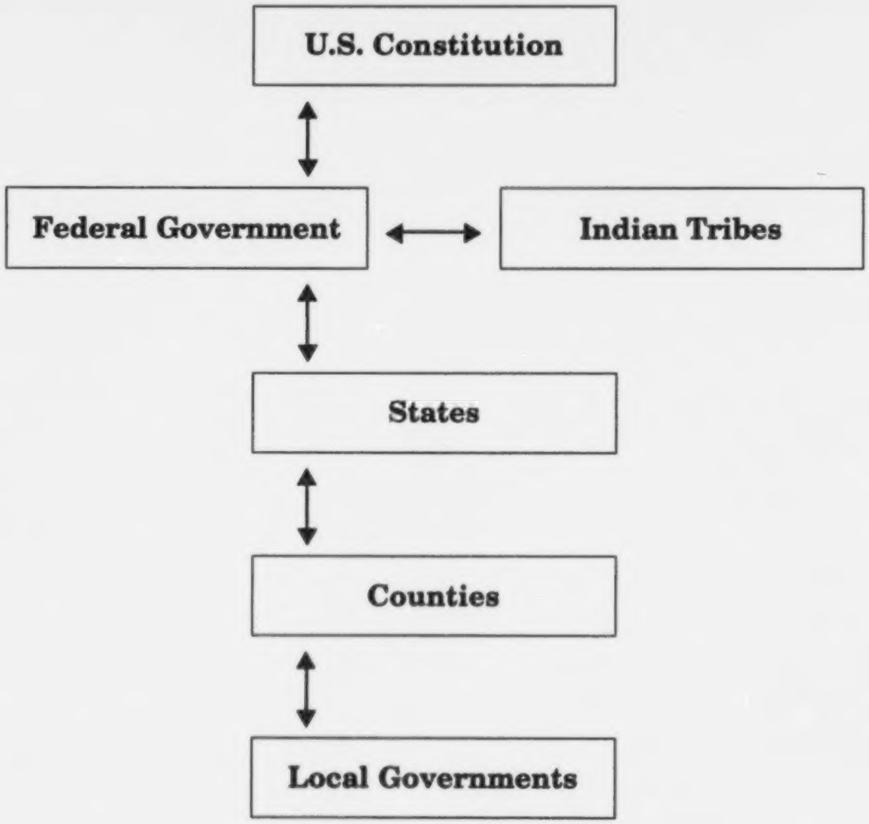
- determine the form of government;
- define conditions for membership;
- administer justice and enforce laws;
- regulate economic activities;
- tax;
- control tribal lands;
- regulate hunting and fishing rights;
- regulate conservation and environmental protection;
- regulate the domestic relations of members;
- regulate property use;
- provide social services; and
- regulate relations with other governments.

Adapted from Kickingbird, et al., pp. 7-8;
O'Brien, pp. 197-254

What is the relationship between the Indian tribes and the American political system?

The relationship between the federally recognized Indian tribes in Wisconsin and the U.S. government is based upon the tribes' status as sovereign nations. The tribes have a higher status than the State of Wisconsin which, in turn, can legally exert jurisdiction over tribes only with congressional approval. Since the powers of Indian tribes emanate from their own sovereignty, they are only partially under the authority of the U.S. Constitution. (*Adapted chart courtesy of the University of Wisconsin-Eau Claire Media Development Center*)

Indian Tribes and the American Political System



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Kickingbird, Kirke, Lynn Kickingbird, Charles J. Chibitty, and Curtis Berkey. *Indian Sovereignty*. Washington, DC: Institute for the Development of Indian Law, 1977.

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Webster's Ninth New Collegiate Dictionary. Springfield, MA: Merriam-Webster, Inc., 1985.

Chronology of Federal–Tribal Relations

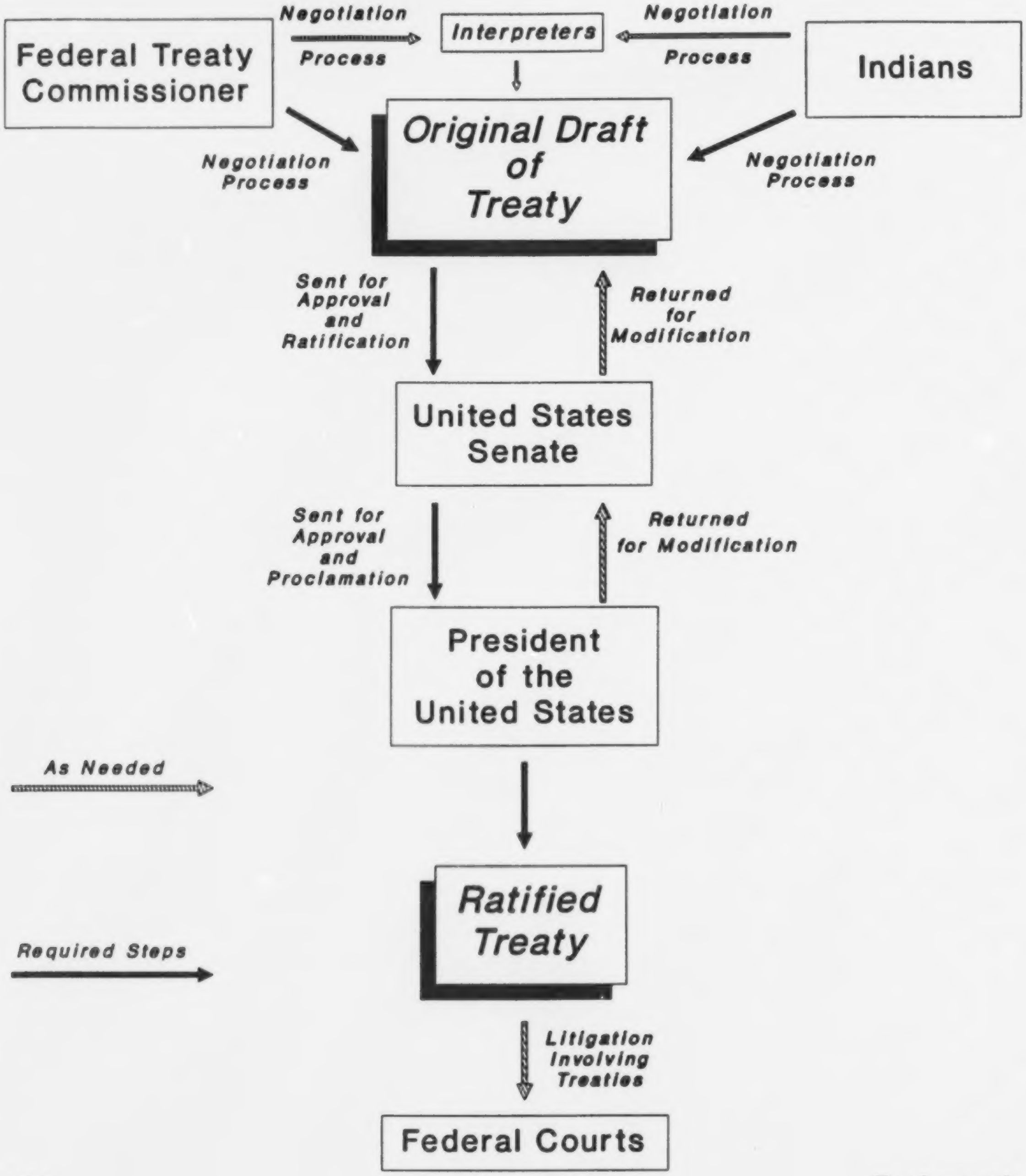
Dates	Policy	Major Events, Laws, or Rulings	Relationship	Tribes' Status
1770s-1820s	International-sovereign-to-international-sovereign	1778-1820s Treaties 1787 Northwest Ordinance 1789 U.S. Constitution 1790 Trade and Intercourse Act 1796 Government Trading House System 1819 Civilization Act	Protectorate	International sovereigns
1830s-1860s	Removal and reservation	1830 Indian Removal Act 1831 *Cherokee v. Georgia* 1832 *Worcester v. Georgia* Treaties and reservations	Government-to-government and guardianship	Domestic dependent nations
1870s-1930s	Assimilation	1871 End of treaty making 1885 Major Crimes Act 1887 Allotment Act 1924 Citizenship Act	Guardianship	Wards in need of protection
1930s-1950s	Indian self-government	1934 Indian Reorganization Act (Wheeler-Howard Act)	Renewal of government-to-government and trust relationship	Quasi-sovereigns
1950s-1960s	Termination	1953 Resolution 108 1953 Public Law 280 1954 Menominee termination	Termination of relationship	Termination of status
1960s-Present	Self-determination	1968 Indian Civil Rights Act 1973 Menominee Restoration Act 1975 Indian Self-Determination Act 1978 Indian Child Welfare Act 1978 Indian Religious Freedom Act 1988 Indian Gaming Regulatory Act 1988 Repeal of Termination Resolution 1983-1991 Voigt Decision Rulings	Renewal of government-to-government and trust relationship	Domestic dependent nation and quasi-sovereigns

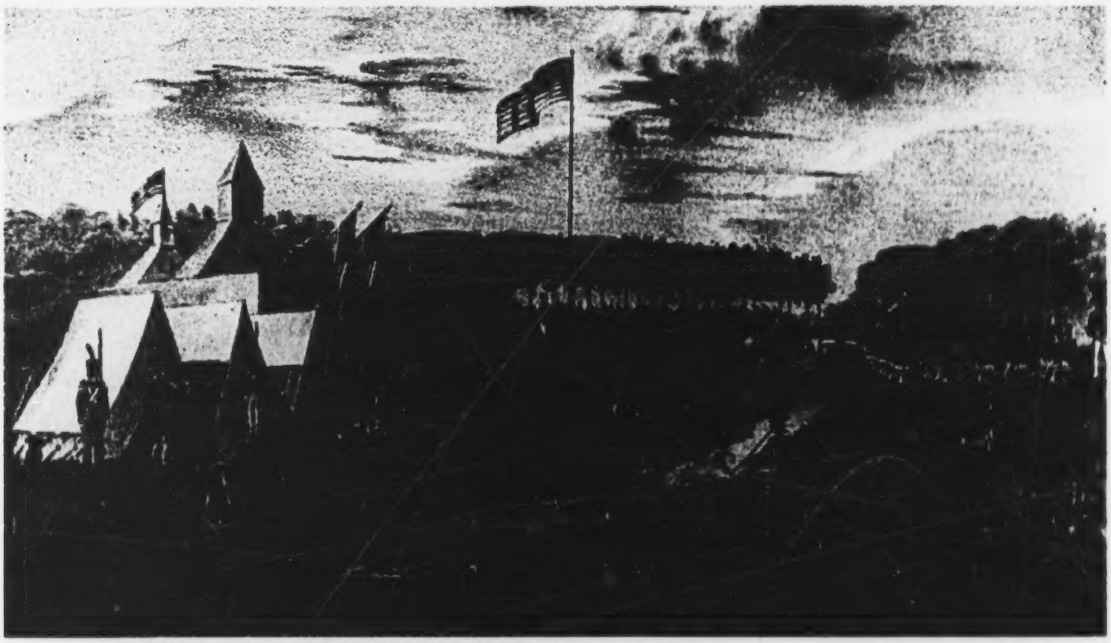
This is a schematic representation and there are exceptions. For example, efforts to remove the Winnebagos continued well into the nineteenth century and efforts to detribalize and provide citizenship to the Brothertown took place in the late 1830s. This material is adapted from Sharon O'Brien, *American Indian Tribal Governments* (Norman: Univ. of Oklahoma Pr., 1989); with additional data from Ronald N. Satz, *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective* (Madison: Wisconsin Academy of Sciences, Arts, and Letters, 1991); and Francis Paul Prucha, ed., *Documents of United States Indian Policy*, 2nd ed. (Lincoln: Univ. of Nebraska Pr., 1990).

Fundamental 9

Treaty Negotiations

A Treaty from Negotiation to Litigation


Federal Treaty Commissioner
Negotiation Process
Interpreters
Negotiation Process
Indians
Negotiation Process
Original Draft of Treaty
Negotiation Process
Sent for Approval and Ratification
Returned for Modification
United States Senate
Sent for Approval and Proclamation
Returned for Modification
President of the United States
As Needed
Ratified Treaty
Required Steps
Litigation Involving Treaties
Federal Courts



Great Treaty Field at Prairie du Chien, 1825. *This gathering was called for the purpose of promoting peace and establishing tribal boundaries. No territory changed hands. But groundwork was laid for the transfer of about 9 million acres to the United States during the next 20 years. Painted by James Otto Lewis. Iconographic Collection, State Historical Society of Wisconsin. Whi (x3) 2812*

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A Blank Treaty

(Insert Title of Treaty)
(Insert Date and Place of Treaty)

Article I:
(insert boundary
lines)

Article II:
(insert monetary
payment to sellers)

Article III:
(insert non-
monetary
payments)

Article IV:
(insert rights
reserved
by sellers)

Article V:
(insert date treaty
becomes effective)

List of Signers
Sellers: **Buyers:**

Witnesses:

141

Making Indian Chiefs

Oshkosh of the Menominees. In 1827, Governor Lewis Cass of Michigan Territory (which included present-day Wisconsin) and Superintendent of Indian Trade Thomas L. McKenney convened a large number of Chippewas, Menominees, and Winnebagos (now known as the Ho-Chunks) at Butte des Morts on the Fox River in order to settle boundary disputes between Indian and non-Indian settlements and among the various Indian communities along the Fox River and at Green Bay. (See treaty 8) Because the Menominee political structure appeared too poorly defined to permit successful negotiation, Cass and McKenney tampered with the internal affairs of the Menominees. They appointed leaders whom they found suitable for negotiations, as the following excerpt from the treaty journal indicates.

Chief Oshkosh. From The Indian, The Northwest: The Red Man, The War Man, The White Man. *Chicago and Northwestern Railway Co., 1901.*

Monday, August 6, 1827*

We have observed for some time that the Menomonies have been in a bad situation with respect to their chiefs. There is no one to whom we can talk as the head of the nation. If anything happens, we want some person who has authority in the nation to whom we can look. They appear to us like a flock of geese without a leader. Some fly one way & some another. Tomorrow at the opening of the Council, we will proceed to appoint a principal chief for the Menomonies. We shall make inquiries this afternoon & select the proper person. We shall give him the medal & expect the Menomonie nation to respect him as the head man. We shall meet tomorrow again, & the firing of the gun will be the signal for you to assemble.

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* Journal of the Proceedings at the Treaty Held by Gov. Cass and Col. McKenney with the Indians at Butte des Morts near Green Bay 1827, Treaty No. 148, *Documents Relating to the Negotiation of Ratified and Unratified Treaties with Various Tribes of Indians, 1801-1869*, Record Group 75, Microcopy T494, Roll 2 (Washington, DC: National Archives and Records Service), pp. 2-6.

Tuesday August 7, 1827

Col. McKenney addresses the Menomonies:

Menomonies!

Your great Father, who lives in the Great Village towards the rising sun, has heard confused sounds from the lands where his Menomonie children hurt. He thinks it is because there are too many mouths here & that all speak at once. He wants one mouth, that he may hear more distinctly, & one pair of ears to hear through, & a pair of eyes to see for him. He said to your father & me—Go, select from my Menomonie children the best man & make him Chief. Give him good things. Put a medal around his neck & a robe over his shoulders & give him a flag. Tell him every drop of bad blood must come out of his heart & that his heart must hold only good American blood. Tell him he is to be a good man to set a good example. He must be sober & love the truth & hate a lie. He must never stain his hands with blood nor let his people go to war. Tell him we give him a new heart today, & a new mouth. His mouth will hereafter speak for his Great Father. He is to let him know in a moment when any thing is going wrong in this country that his great Father may make haste & send his arm in & put it right. We expect that his ears will be quick that he may hear bad birds, & his eyes sharp that he may see which way they fly & where they light. Tell him his great Father takes him fast by the hand today—that the medal unites them. But they will be one no longer than he shall continue to be a good man & listen to & obey his great Fathers councils. Tell him—the moment he finds he cannot walk straight, not keep his people from going into crooked paths the medal will disgrace him. It is only honorable while he who wears it continues to be a good man. The squaws & children would laugh to see a medal on the neck of a dog, they only respect it when it is on the breast of a man.

We have one very particular thing more to add. Your Great Father will not allow your people to kill any of his white children. Take care how you act in this matter. When his white children do wrong, it is the duty of your people to speak through your mouth. Your Great Father is just, as well as strong, & will see that justice is done your people. We warn you against killing people. There is off-yonder, a great war-cloud—it is black & full of fire, & it will depend on those over whom it hangs, whether your great Fathers breach will not blow it into a flame, & burn those up like dead leaves who made it necessary for him to send it into their country. Take care, Menomonies, that your young men do not make it necessary for this cloud to come over your country.

We told you yesterday, we would make a chief for you. We have selected two from among you & we now give them these presents & this medal & this robe. You (addressing the principal) are now the great Menomonie Chief. You will take care & act like a man & not like a dog. And to the second man we say the same things as to you except that you are to speak to your great father through the mouth of your great chief. Should the great Spirit put his hand upon him, you will, if you are a good man, take his place; if not, we will make another. Your great father will have no bad or foolish chiefs.

Take these presents, this medal & this robe, & follow the advice of your great Father as we have spoken it in your ears this day.

Keokuk, or the Watchful Fox. Photograph courtesy of the State Historical Society of Wisconsin. WHi (x3) 47691 Lot 252, No. 677, p. 37.

Keokuk of the Sac and Fox. In 1804 the United States claimed it had acquired all tribal lands in Wisconsin, Illinois, and Missouri belonging to the loosely confederated Sac and Fox Indians. (See treaty 2) But only five Indians signed the treaty, and their tribal council had authorized them only to preserve peace with the United States. The small delegation had no authority whatsoever to sell tribal lands. Only after the War of 1812, when their British allies appeared to have abandoned them, did some Sac and Fox leaders accept the American interpretation of the treaty. Keokuk, a rising Sac orator who favored accommodation with the United States, was courted by American officials who were suspicious of the influential tribal leader Black Hawk. He continued to look to the British for support and refused to recognize the legitimacy of the 1804 treaty. Black Hawk's resistance eventually culminated in the so-called Black Hawk War of April 1832, which sent shock waves across the Illinois-Wisconsin frontier and far beyond. By the fall of 1832, Black Hawk's band was decimated, the warrior himself imprisoned in chains, and the United States in possession of valuable tribal lands in Iowa that were ceded by treaty. The following excerpt from the treaty proceedings indicates how the United States directly intervened in tribal affairs to elevate the accommodative Keokuk.

General Scott (on the part of the Commissioners) addressed the council)*

Stand for the Keo-kuck

Chiefs, Head-men and warriors—attend to what is about to be done. Look upon this *brave* who has served you with fidelity both in peace and in war, and has never betrayed his trust; who is alike your friend and the friend of the United States. Of his long tried services, we will not now speak, they are known to you all. The commissioners have been assured that he is brave in battle, and has proven his courage and conduct on many occasions. We will speak at present of his recent conduct. It is to him that you owe that the American troops have not overrun your country, and spread devastation over your fields. When Black Hawk and his lawless band crossed the Mississippi to raise the hatchet against the Americans, this man did more than any other to prevent your young men from joining his standard. Suppose that you had had the madness and folly to join in the war; suppose the advice given by Keo-kuck had not been attended to, the evils

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* Minutes of the third, and Last Conference between the United States, by their Commissioners General Scott and Gov. Reynolds, and the confederated tribes of Sacs and Foxes in Ellen M. Whitney, comp. and ed., *The Black Hawk War 1831-1832*, vol. 2, part 2 (Springfield: Illinois State Historical Library, 1975), pp. 1177-80.

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which have fallen upon Black Hawk would have fallen upon you all. Remember to your latest day the services that he, and the other chiefs present have rendered to you. To him, then, and to the Chiefs and head-men now present are you indebted for the advantageous terms of the treaty of peace you now sign, and the remnant of your country. But for them that country would have been swept from you, it would have all belonged to the United States. But we are told that this man, to whom you owe so much, was not born a chief, but is only what you call a warrior, or brave. Your great father the President of the United States was not born a chief. He has raised himself to the command of 13,000,000 of people, by his virtues, conduct, and services. Neither was the Governor, who now stands before you, born a chief, but he was elected by the whole people of the State of Illinois, for his virtues and his services. Look upon all the chiefs of the Army who surround you, they in like manner have been raised to their present rank by their conduct, virtues and services. So has this brave, by the acknowledgement and approbation of the tribes, richly earned the reward now about to be conferred upon him, in the name of the United States. As a sign of the approbation of the President of the United States, and as a sign of your approbation, I am about to present this medal I now hold in my hand.

Let him, and so you look upon it. On one side is presented a likeness of the President of the United States, a great Warrior and a great statesman. On the other, hands grasped in token of friendship, as we propose to grasp yours. When he and you look upon this medal, you will recollect that we have shaken hands together in faith of the treaty we are now about to sign. The medal is also emblematical of smoking a customary ceremony among our Red brethren employed at the signature of treaties as a kind of hommage to the Great Spirit. This medal, on the part of the commissioners and of the United States I now give to *Keokuck*. Look on him in future as one of your chiefs, obey him and respect him as a chief appointed by the President of the United States; And may the brave Sacs and Foxes ever have among them men as brave in battle, and as wise in council as he who we now raise to the rank of chief.

General Scott (on the part of the commissioners.) in continuation

Chiefs, Head-men, and warriors of the confederated Sacs and Foxes. We have now concluded a solemn compact called a Treaty, between the United States, and our Red brethren the Sac and Fox Indians. The Treaty is done in two parts, exactly alike. One copy is delivered to Keo-kuck, to be preserved among the Indians;—the other is to be sent to your Great Father the President of the United States, to be recorded in their great council the Congress of the United States. And, as was remarked by Tay-wee-máu, it will be printed in all the news-papers, by which all may know that peace and friendship exist between the United States and our Red children. And when you return to your villages, let all know that the Red men have promised peace and friendship to the White men. This is not an idle pledge, which is to be forgotten. It enters both ears, passes down to the heart, and is recorded there.

Resources

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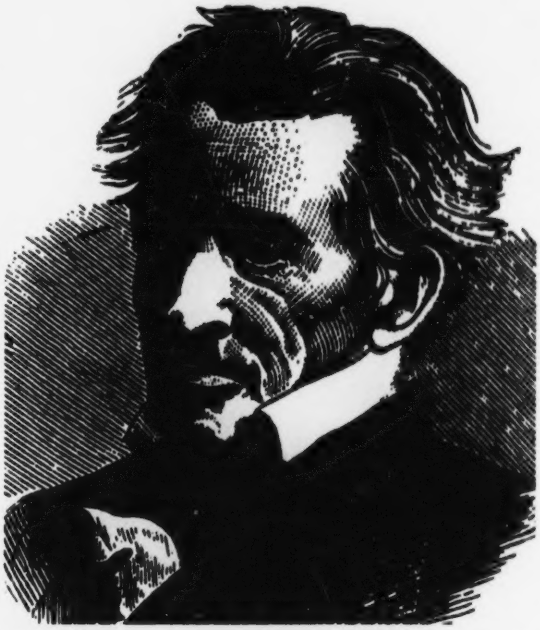
The Indian Removal Policy

*President Andrew Jackson's Call for Indian Removal, December 8, 1829**

Our conduct toward these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force they have been made to retire from river to river and from mountain to mountain, until some of the tribes have become extinct and others have left but remnants to preserve for awhile their once terrible names. Surrounded by the whites with their arts of civilization, which by destroying the resources of the savage doom him to weakness and decay, the fate of the Mohegan, the Narragansett, and the Delaware is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them if they remain within the limits of the States does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new States, whose limits they could control. That step can not be retraced. A State can not be dismembered by Congress or restricted in the exercise of her constitutional power. But the people of those States and of every State, actuated by feelings of justice and a regard for our national honor, submit to you the interesting question whether something can not be done, consistently with the rights of the States, to preserve this much injured race.

As a means of effecting this end I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any State or Territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization, and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race and to attest the humanity and justice of this Government.



President Andrew Jackson. From Joshua R. Giddings, Exiles of Florida, *1858. Courtesy of Jason Tetzloff.*

This emigration should be voluntary, for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers and seek a home in a distant land. But they should be distinctly informed that if they remain within the limits of the States they must be subject to their laws. In return for their obedience as individuals they will without doubt be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose that in this state of things claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain or passed them in the chase. Submitting to the laws of the States, and receiving, like other citizens, protection in their persons and property, they will ere long become merged in the mass of our population.

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* James D. Richardson, comp., vol. 2 of *Messages and Papers of the Presidents, 1789-1907.* 11 vols. (Washington, DC: Bureau of National Literature and Art, 1897-1908), pp. 458-59.

*The Removal Act of 1830**

An Act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other.

And be it further enacted, That it shall and may be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the states or territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the states or territories, where the land claimed and occupied by the Indians, is owned by the United States, or the United States are bound to the state within which it lies to extinguish the Indian claim thereto.

And be it further enacted, That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always,* That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.

And be it further enacted, That if, upon any of the lands now occupied by the Indians, and to be exchanged for, there should be such improvements as add value to the land claimed by any individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements. And upon the payment of such valuation, the improvements so valued and paid for, shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.

And be it further enacted, That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and also, to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

And be it further enacted, That it shall and may be lawful for the President to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

And be it further enacted, That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence: *Provided,* That nothing in this act contained shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes.

And be it further enacted, That for the purpose of giving effect to the provisions of this act, the sum of five hundred thousand dollars is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

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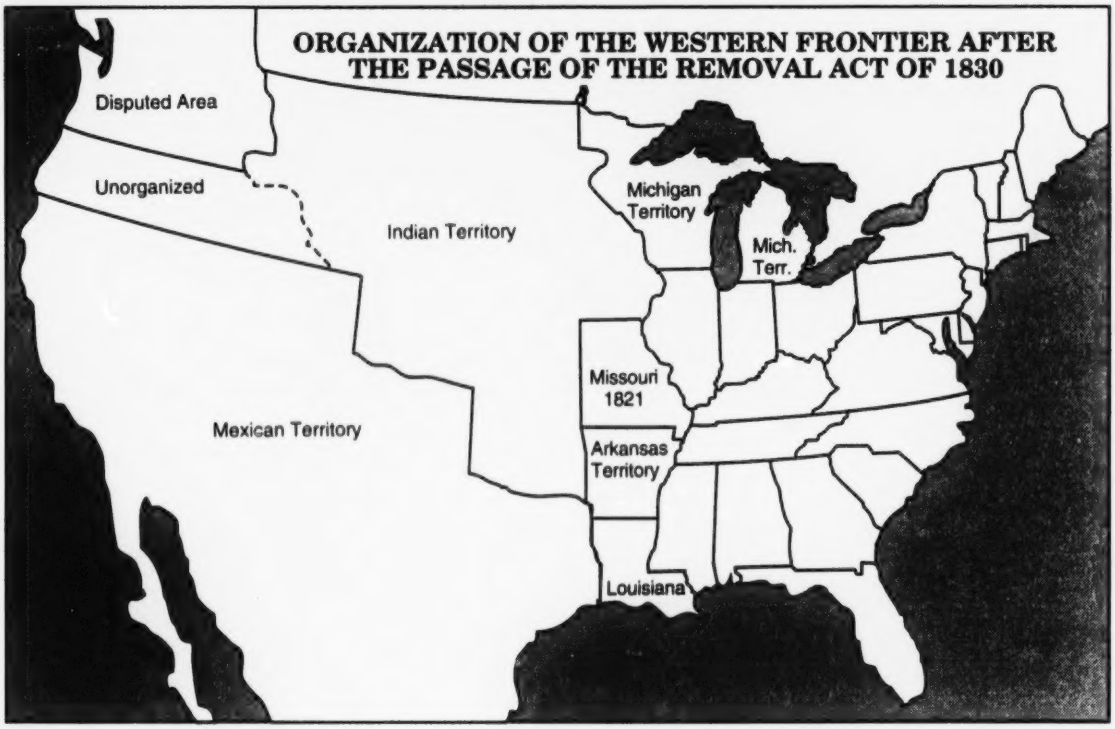
* Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln: Univ. of Nebraska Pr., 1975), pp. 296-98.

*The Western Frontier in 1830**


ORGANIZATION OF THE WESTERN FRONTIER AFTER THE PASSAGE OF THE REMOVAL ACT OF 1830
Disputed Area
Unorganized
Indian Territory
Michigan Territory
Mich. Terr.
Missouri 1821
Arkansas Territory
Mexican Territory
Louisiana

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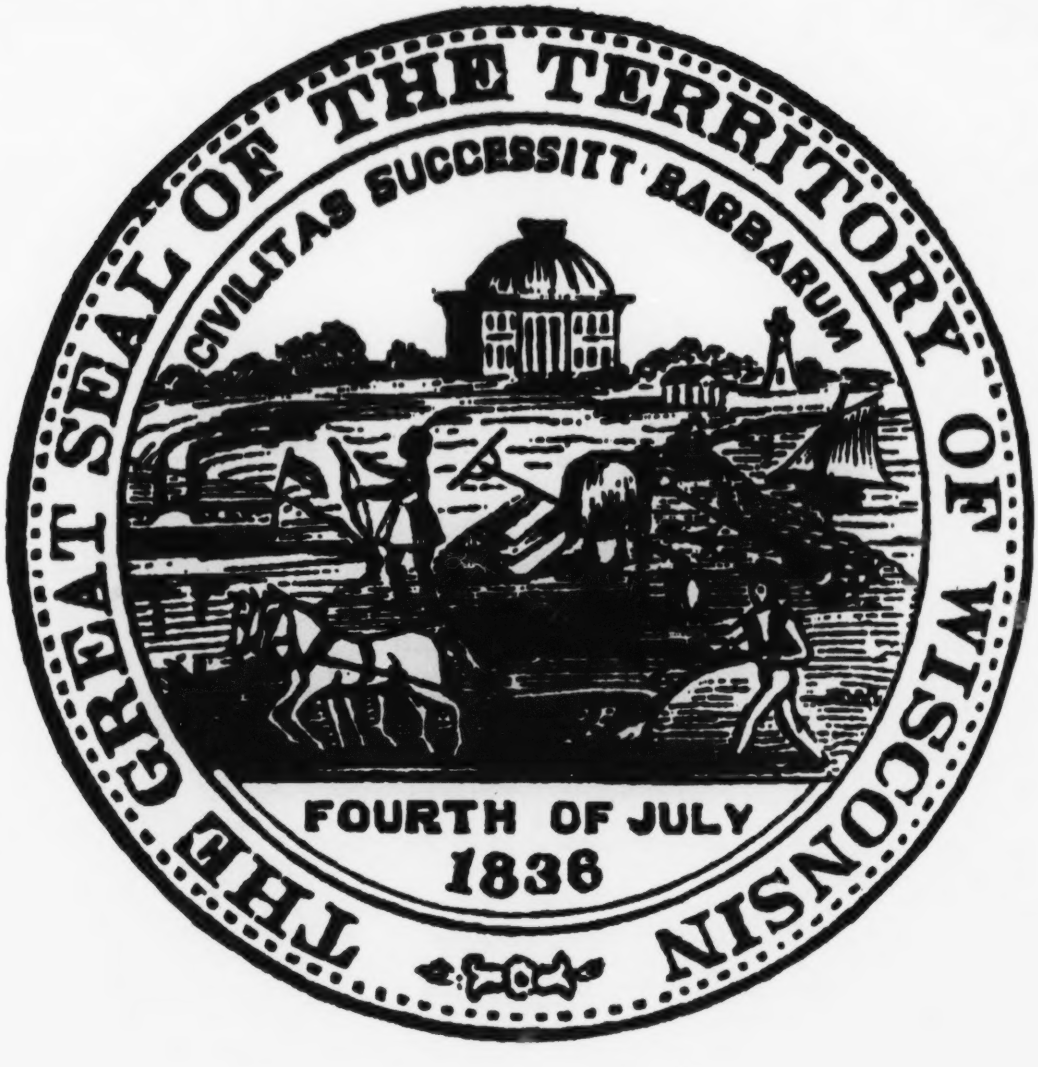
* Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln: Univ. of Nebraska Pr., 1975), p. 131.

*The Great Seal of the Territory of Wisconsin**


THE GREAT SEAL OF THE TERRITORY OF WISCONSIN
CIVILITAS SUCCESSITT BARBARUM
FOURTH OF JULY
1836

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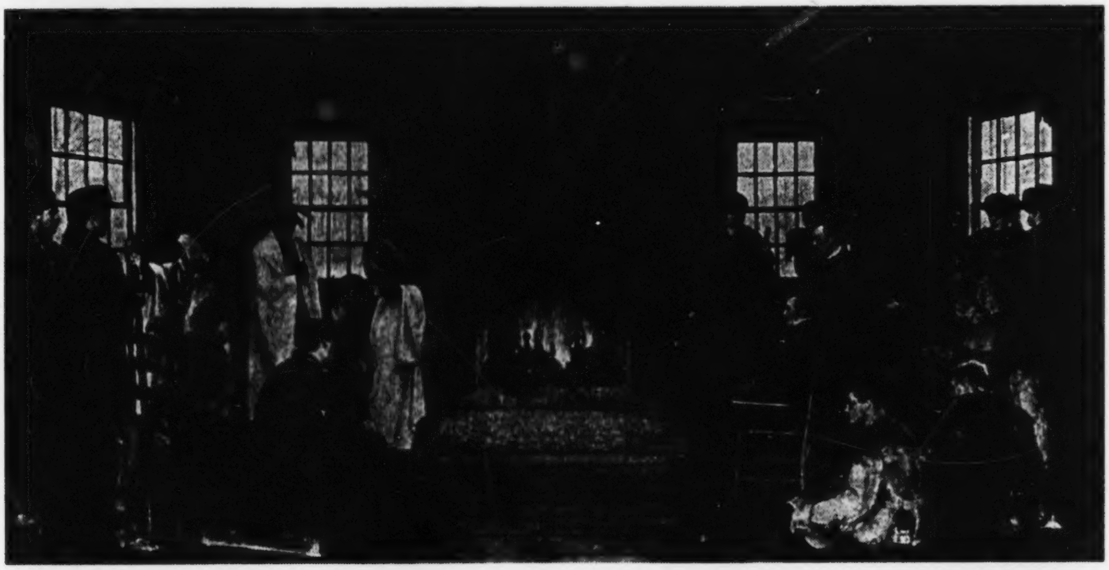
* William Wagner's territorial seal reproduced from Marcius Willson's *American History* (1855). Courtesy of the State Historical Society of Wisconsin. WHi (x3) 45609

U.S. Courts and the Indians

The Trial of Oshkosh



"Trial of Oshkosh" painting by Herter in the Wisconsin State Capitol. State Historical Society of Wisconsin. WHi (x3) 14024

Affidavit of prosecuting attorney Henry S. Baird, November 5, 1830.* Osh-kosh, a chief of the Menominie nation, together with two other indians of that tribe, were indicted before the Circuit Court of the U.S. for the county of Brown, held by J.D. Doty, Esqr. at the time of June 1830, for the murder of Amable, or Obyway, who was wholly or in part an indian of the Pawnee tribe, who had become civilized: had been raised and resided from childhood in a French family at the Bay. He had adopted the habits of white men, spoke the canadian tongue fluently, and had for sometime previous to his death, supported himself by boating and other labor. Upon the trial a special verdict was returned by the jury finding "that Osh-kosh & the other defendants, had a few days previously killed the deceased by stabbing in several places, upon his neck & body. The Jury further found, that the night upon which this murder was perpetrated [sic], the deceased had been out deer-hunting, upon Devil river, in a canoe; that the night was dark, and the deceased had shot at and killed a menominie indian (who was also hunting in a canoe) having mistaken the indian for a deer; the killing of the latter by the deceased, was purely accidental, and the deceased upon discovering the accident had put the indian so killed into his canoe, and had returned, near morning, to the lodge of Osh-kosh, then situated on the bank of the fox river, in the middle of the settlement at Green Bay. Immediately upon the arrival of the deceased at the lodge, he was met at the water side by Osh-kosh and the other two indians, and was instantly killed by them; he had received eight wounds with large knives;" and the case disclosed circumstances of extreme cruelty & barbarity. The jury further found "that a custom existed among the menominie nation, that where a murder was committed by one individual upon another, the relatives of the deceased might kill the murderer, without blame, unless the murderer could appease & satisfy them by presents or otherwise." But the testimony only proved the existence of such custom in their own country; and no doubt existed as to the fact of the indian title having been extinguished to the land upon which the murder was committed. The verdict then concluded by praying the opinion of the court, upon these facts, whether according to the law the prisoner was guilty of murder or manslaughter.

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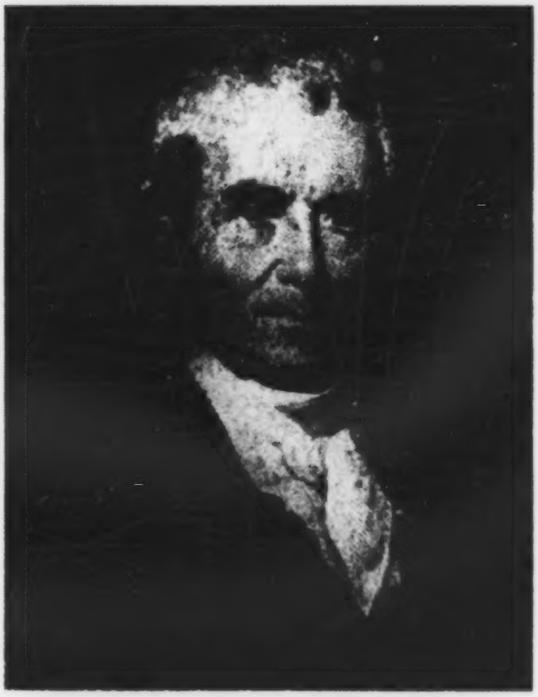
* Transcribed from an Affidavit in the Henry Baird Papers, box 4, Archives Division, State Historical Society of Wisconsin, Madison.

Upon this verdict the prisoner was remanded, and on the last day of the term, was, upon motion of the Pros. atty. brought up for Judgment. Upon this motion, the Judge gave, at length, an opinion upon the fact stated in the special verdict: the substance of which was; That as the individual who had been killed by the accused, was himself an indian, and as the accused was one of the nation amongst whom a custom existed, allowing the relatives of persons killed, to avenge their deaths the accused could not be considered culpable, and consequently not amenable to the laws of michigan Territory. The Judge therefore discharged the defendant—

One of the other defendants having been found guilty by another Jury on a general verdict, was also discharged by the Judge, upon motion in arrest of Judgment, founded upon the same principles.

I acted as Pros. atty. in those cases, and believe the facts above stated to be substantially correct—It is sometime since the trial occurred, & as I have no report of the cases I am unable to give every particular, in as ample a form as I would wish to do.



***John Marshall** (1755-1835) Chief Justice of U.S., 1801-1835; diplomat, Congressman, Secretary of State under John Adams. Engraved by Asher B. Durand from a painting by Henry Inman. Reproduced from* Dictionary of American Portraits, *published by Dover Publications, Inc., in 1967.*

The Marshall Trilogy

1. ***Johnson v. McIntosh* (1823).*** Recognized a landlord-tenant relationship between the federal government and Indian tribes. While recognizing Indian "right of possession," restricted Indians from selling land to anyone other than to the United States.

2. ***Cherokee Nation v. State of Georgia* (1831).**** Mr. Chief Justice MARSHALL delivered the opinion of the Court. This bill is brought by the Cherokee nation, praying an injunction to restrain the state of Georgia from the execution of certain laws of that state, which, as is alleged, go directly to annihilate the Cherokees as a political society, and to seize, for the use of Georgia, the lands of the nation which have been assured to them by the United States in solemn treaties repeatedly made and still in force.

If courts were permitted to indulge their sympathies, a case better calculated to excite them can scarcely be imagined. A people once numerous, powerful, and truly independent, found by our ancestors in the quiet and uncontrolled possession of an ample domain, gradually sinking beneath our superior policy, our arts and our arms, have yielded their lands by successive

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[*] *Johnson and Graham's Lessee v. McIntosh*, 8 Wheaton 543 (1823), pp. 543-91.

[**] *Cherokee Nation v. State of Georgia*, 5 Peters 1 (1831), pp. 1-20.

treaties, each of which contains a solemn guarantee of the residue, until they retain no more of their formerly extensive territory than is deemed necessary to their comfortable subsistence. To preserve this remnant, the present application is made.

Before we can look into the merits of the case, a preliminary presents itself. Has this court jurisdiction of cause?

The third article of the constitution describes the extent of the judicial power. The second section closes an enumeration of the cases to which it is extended, with "controversies" "between a state or the citizens thereof, and foreign states, citizens, or subjects." A subsequent clause of the same section gives the supreme court original jurisdiction in all cases in which a state shall be a party. The party defendant may then unquestionably be sued in this court. May the plaintiff sue in it? Is the Cherokee nation a foreign state in the sense in which that term is used in the constitution?

The counsel for the plaintiffs have maintained the affirmative of this proposition with great earnestness and ability. So much of the argument as was intended to prove the character of the Cherokees as a state, as a distinct political society, separate from others, capable of managing its own affairs and governing itself, has, in the opinion of a majority of the judges, been completely successful. They have been uniformly treated as a state from the settlement of our country. The numerous treaties made with them by the United States recognize them as a people capable of maintaining the relations of peace and war, of being responsible in their political character for any violation of their engagements, or for any aggression committed on the citizens of the United States by any individual of their community. Laws have been enacted in the spirit of these treaties. The acts of our government plainly recognize the Cherokee nation as a state, and the courts are bound by those acts.

A question of much more difficulty remains. Do the Cherokees constitute a foreign state in the sense of the constitution?

The counsel have shown conclusively that they are not a state of the union, and have insisted that individually they are aliens, not owing allegiance to the United States. An aggregate of aliens composing a state must, they say, be a foreign state. Each individual being foreign, the whole must be foreign.

This argument is imposing, but we must examine it more closely before we yield to it. The condition of the Indians in relation to the United States is perhaps unlike that of any other two people in existence. In the general, nations not owing a common allegiance are foreign to each other. The term *foreign nation* is, with strict propriety, applicable by either to the other. But the relation of the Indians to the United States is marked by peculiar and cardinal distinctions which exist no where else.

The Indian territory is admitted to compose a part of the United States. In all our maps, geographical treatises, histories, and laws, it is so considered. In all our intercourse with foreign nations, in our commercial regulations, in any attempt at intercourse between Indians and foreign nations, they are considered as within the jurisdictional limits of the United States, subject to many of those restraints which are imposed upon our own citizens. They acknowledge themselves in their treaties to be under the protection of the United States; they admit that the United States shall have the sole and exclusive right of regulating the trade with them, and managing all their affairs as they think proper; and the Cherokees in particular were allowed by the treaty of Hopewell, which preceded the constitution, "to send a deputy of their choice, whenever they think fit, to congress." Treaties were made with some tribes by the state of New York, under a then unsettled construction of the confederation, by which they ceded all their lands to that state, taking back a limited grant to themselves, in which they admit their dependence.

Though the Indians are acknowledged to have an unquestionable, and, heretofore, unquestioned right to the lands they occupy, until that right shall be extinguished by a voluntary cession to our government; yet it may well be doubted whether those tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations. They may, more correctly, perhaps, be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases. Meanwhile they are in a state of pupilage. Their relation to the United States resembles that of ward to his guardian.

They look to our government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the president as their great father. They and their country are considered by foreign nations, as well as by ourselves as being so completely under the sovereignty and dominion of the United States, that any attempt to acquire their lands, or to form a political connexion [sic] with them, would be considered by all as an invasion of our territory, and an act of hostility.

These considerations go far to support the opinion, that the framers of our constitution had not the Indian tribes in view, when they opened the courts of the union to controversies between a state or the citizens thereof, and foreign states.

In considering this subject, the habits and usages of the Indians, in their intercourse with their white neighbours, ought not to be entirely disregarded. At the time the constitution was framed, the idea of appealing to an American court of justice for an assertion of right or a redress of wrong, had perhaps never entered the mind of an Indian or of his tribe. Their appeal was to the tomahawk, or to the government. This was well understood by the statesmen who framed the constitution of the United States, and might furnish some reason for omitting to enumerate them among the parties who might sue in the courts of the union. Be this as it may, the peculiar relations between the United States and the Indians occupying our territory are such, that we should feel much difficulty in considering them as designated by the term *foreign state*, were there no other part of the constitution which might shed light on the meaning of these words. But we think that in construing them, considerable aid is furnished by that clause in the eighth section of the third article; which empowers congress to "regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

In this clause they are as clearly contra distinguished by a name appropriate to themselves, from foreign nations, as from the several states composing the union. They are designated by a distinct appellation; and as this appellation can be applied to neither of the others, neither can the appellation distinguishing either of the others be in fair construction applied to them. The objects, to which the power of regulating commerce might be directed, are divided into three distinct classes—foreign nations, the several states, and Indian tribes. When forming this article, the convention considered them as entirely distinct. We cannot assume that the distinction was lost in framing a subsequent article, unless there be something in its language to authorize the assumption.

The counsel for the plaintiffs contend that the words "Indian tribes" were introduced into the article, empowering congress to regulate commerce, for the purpose of removing those doubts in which the management of Indian affairs was involved by the language of the ninth article of the confederation. Intending to give the whole power of managing those affairs to the government about to be instituted, the convention conferred it explicitly; and omitted those qualifications which embarrassed the exercise of it as granted in the confederation. This may be admitted without weakening the conduction which has been intimated. Had the Indian tribes been foreign nations, in the view of the convention; this exclusive power of regulating intercourse with them might have been empowered "to regulate commerce with foreign nations, including the Indian tribes, and among the several states." This language would have suggested itself to statesmen who considered the Indian tribes as foreign nations, and were yet desirous of mentioning them particularly.

It has been also said, that the same words have not necessarily the same meaning attached to them when found in different parts of the same instrument: their meaning is controlled by the context. This is undoubtedly true. In common language the same word has various meanings, and the peculiar sense in which it is used in any sentence is to be determined by the context. This may not be equally true with respect to proper names. *Foreign nations* is a general term, the application of which to Indian tribes, when used in the American constitution, is at best extremely questionable. In one article in which a power is given to be exercised in regard to foreign nations generally, and to the Indian tribes particularly, they are mentioned as separate in terms clearly contra distinguishing them from each other. We perceive plainly that the constitution in this article does not comprehend Indian tribes in the general term "foreign nations;" not we presume because a tribe may not be a nation, but because it is not foreign to the United States. When, afterwards, the term "foreign state" is introduced, we cannot impute to the convention the intention to desert its former meaning, and to comprehend Indian tribes within it, unless the context force that construction on us. We find nothing in the context, and nothing in the subject of the article, which leads to it.

The court has bestowed its best attention on this question, and, after mature deliberation, the majority is of opinion that an Indian tribe or nation within the United States is not a foreign state in the sense of the constitution, and cannot maintain an action in the courts of the United States.

A serious additional objection exists to the jurisdiction of the court. Is the matter of the bill the proper subject for judicial inquiry and decision? It seeks to restrain a state from the forcible exercise of legislative power over a neighbouring people, asserting their independence; their right to which the state denies. On several of the matters alleged in the bill, for example on the laws making it criminal to exercise the usual powers of self government in their own country by the Cherokee nation, this court cannot interpose; at least in the form in which those matters are presented.

That part of the bill which respects the land occupied by the Indians, and prays the aid of the court to protect their possession, may be more doubtful. The mere question of right might perhaps be decided by this court in a proper case with proper parties. But the court is asked to do more than decide on the title. The bill requires us to control the legislature of Georgia, and to restrain the exertion of its physical force. The propriety of such an interposition by the court may be well questioned. It savours too much of the exercise of political power to be within the proper province of the judicial department. But the opinion on the point respecting parties makes it unnecessary to decide this question.

If it be true that the Cherokee nation have rights, this is not the tribunal in which those rights are to be asserted. If it be true that wrongs have been inflicted, and that still greater are to be apprehended, this is not the tribunal which can redress the past or prevent the future.

The motion for an injunction is denied.

3. *Worcester v. State of Georgia* (1832).* Mr. Chief Justice MARSHALL delivered the opinion of the Court.

This cause, in every point of view in which it can be placed, is of the deepest interest.

The defendant is a state, a member of the union, which has exercised the powers of government over a people who deny its jurisdiction, and are under the protection of the United States.

The plaintiff is a citizen of the state of Vermont, condemned to hard labour for four years in the penitentiary of Georgia; under colour of an act which he alleges to be repugnant to the constitution, laws, and treaties of the United States.

The legislative power of a state, the controlling power of the constitution and laws of the United States, the rights, if they have any, the political existence of a once numerous and powerful people, the personal liberty of a citizen, are all involved in the subject now to be considered . . . .

The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial, with the single exception of that imposed by irresistible power, which excluded them from intercourse with any other European potentate than the first discoverer of the coast of the particular region claimed: and this was a restriction which those European potentates imposed on themselves, as well as on the Indians. The very term "nation," so generally applied to them, means "a people distinct from others." The constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and consequently admits their rank among those powers who are capable of making treaties. The words "treaty" and "nation" are words of our own language, selected in our diplomatic and legislative proceedings, by ourselves, having each a definite and well understood meaning. We have applied them to Indians, as we have applied them to other nations of the earth. They are applied to all in the same sense.

Georgia, herself, has furnished conclusive evidence that her former opinions on this subject concurred with those entertained by her sister states, and by the government of the United

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* *Worcester v. State of Georgia*, 6 Peters 515 (1832), pp. 515-63.

States. Various acts of her legislature have been cited in the argument, including the contract of cession made in the year 1802, all tending to prove her acquiescence in the universal conviction that the Indian nations possessed a full right to the lands they occupied, until that right should be extinguished by the United States, with their consent: that their territory was separated from that of any state within whose chartered limits they might reside, by a boundary line, established by treaties: that, within their boundary, they possessed rights with which no state could interfere: and that the whole power of regulating the intercourse with them, was vested in the United States. A review of these acts, on the part of Georgia, would occupy too much time, and is the less necessary, because they have been accurately detailed in the argument at the bar. Her new series of laws, manifesting her abandonment of these opinions, appears to have commenced in December 1828.

In opposition to this original right, possessed by the undisputed occupants of every country; to this recognition of that right, which is evidenced by our history, in every change through which we have passed; is placed the charters granted by the monarch of a distant and distinct region, parcelling out a territory in possession of others whom he could not remove and did not attempt to remove, and the cession made of his claims by the treaty of peace.

The actual state of things at the time, and all history since, explain these charters; and the king of Great Britain, at the treaty of peace, could cede only what belonged to his crown. These newly asserted titles can derive no aid from the articles so often repeated in Indian treaties; extending to them, first, the protection of Great Britain, and afterwards that of the United States. These articles are associated with others, recognizing their title to self government. The very fact of repeated treaties with them recognizes it; and the settled doctrine of the law of nations is, that a weaker power does not surrender its independence—its right to self government, by associating with a stronger, and taking its protection. A weak state, in order to provide for its safety, may place itself under the protection of one more powerful, without stripping itself of the right of government, and ceasing to be a state. Examples of this kind are not wanting in Europe. "Tributary and feudatory states," says Vattel, "do not thereby cease to be sovereign and independent states, so long as self government and sovereign and independent authority are left in the administration of the state." At the present day, more than one state may be considered as holding its right of self government under the guarantee and protection of one or more allies.

The Cherokee nation, then, is a distinct community occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of congress.—The whole intercourse between the United States and this nation, is, by our constitution and laws, vested in the government of the United States.

The act of the state of Georgia, under which the plaintiff in error was prosecuted, is consequently void, and the judgment a nullity. Can this court revise, and reverse it?

If the objection to the system of legislation, lately adopted by the legislature of Georgia, in relation to the Cherokee nation, was confined to its extra-territorial operation, the objection, though complete, so far as respected mere right, would give this court no power over the subject. But it goes much further. If the review which has been taken be correct, and we think it is, the acts of Georgia are repugnant to the constitution, laws, and treaties of the United States.

They interfere forcibly with the relations established between the United States and the Cherokee nation, the regulation of which, according to the settled principles of our constitution, are committed exclusively to the government of the union.

They are in direct hostility with treaties, repeated in a succession of years, which mark out the boundary that separates the Cherokee country from Georgia; guaranty to them all the land within their boundary; solemnly pledge the faith of the United States to restrain their citizens from trespassing on it; and recognize the preexisting power of the nation to govern itself.

They are in equal hostility with the acts of congress for regulating this intercourse, and giving effect to the treaties.

The forcible seizure and abduction of the plaintiff in error, who was residing in the nation with its permission, and by authority of the president of the United States, is also a violation of the acts which authorize the chief magistrate to exercise this authority.

Will these powerful considerations avail the plaintiff in error? We think they will. He was seized, and forcibly carried away, while under guardianship of treaties guarantying the country in which he resided, and taking it under the protection of the United States. He was seized while performing, under the sanction of the chief magistrate of the union, those duties which the humane policy adopted by congress had recommended. He was apprehended, tried, and condemned, under colour of a law which has been shown to be repugnant to the constitution, laws, and treaties of the United States. Had a judgment, liable to the same objections, been rendered for property, none would question the jurisdiction of this court. It cannot be less clear when the judgment affects personal liberty, and inflicts disgraceful punishment, if punishment could disgrace when inflicted on innocence. The plaintiff in error is not less interested in the operation of this unconstitutional law than if it affected his property. He is not less entitled to the protection of the constitution, laws, and treaties of his country . . . .

It is the opinion of this court that the judgment of the superior court for the county of Gwinnett, in the state of Georgia, condemning Samuel A. Worcester to hard labour, in the penitentiary of the state of Georgia, for four years, was pronounced by that court under colour of a law which is void, as being repugnant to the constitution, treaties, and laws of the United States, and ought, therefore, to be reversed and annulled . . . .

*The Judicial Canons of Interpretation of Indian Treaties**

Judicial canons or standards of interpreting Indian treaties evolved during and after the treaty-making era of American history. This period lasted from the 1778 treaty with the Delaware Indians until Congress ended treaty making in 1871. The following four canons or principles have emerged from a number of Supreme Court decisions:

1. treaties must be liberally construed to favor Indians;
2. ambiguous expressions in treaties must be resolved in favor of the Indians;
3. treaties must be construed as the Indians would have understood them at the time they were negotiated; and
4. treaty rights legally enforceable against the United States should not be extinguished by mere implication, but rather explicit action must be taken and 'clear and plain' language used to abrogate them.

These standards of dealing with cases involving Indians represent an acknowledgment by the federal judiciary of the unequal bargaining position of the Indians at the time of treaty negotiations. This acknowledgment is based, among other things, on the federal government's employment of interpreters and its superior knowledge of the language in which the negotiations were conducted. Fundamentally, the canons reflect the fact that justices of the U.S. Supreme Court have acknowledged Indians did not bargain with the federal government from a position of equal strength.

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* Reprinted from Ronald N. Satz, *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective* (Madison: Wisconsin Academy of Sciences, Arts, and Letters, 1991), p. 91.

Education Programs

The three narrative pieces of this fundamental—"Comments about Schools for Indians," "Course of Study," and "Boarding School Schedule"—offer readers the written perspective of non-Indians on the topic of Indian education throughout the years.

The first piece, "Comments about Schools for Indians," is a series of excerpts from official letters and reports written to the various Commissioners of Indian Affairs and placed in the *Annual Report* starting in 1875 and excerpts from newspaper articles. Indian agents either wrote the reports themselves or passed on the commissioner reports that they received from individual superintendents or educators.

The second piece, "Course of Study," is from the publication, *Course of Study for the Indian Schools of the United States: Industrial and Literary*. In 1901, U.S. Superintendent of Indian Schools Estelle Reel prepared this book-length outline of the course of study for Indian children at schools operated by the U.S. Bureau of Indian Affairs. Among those who assisted her in preparing the book were teachers at some of the leading boarding schools such as Carlisle and Haskell, as well as educators at reservation schools, including the Oneida Indian School. They designed the curriculum to provide "a practical education" aimed at "placing the Indian in a position to help himself, making of him an upright, self-supporting, Christian citizen." (Reel, 1901, pp. 275-76)

The third piece, "Boarding School Schedule," is from a collection of the National Archives, *Miscellaneous Correspondence Relating to Education, 1913-1922*. As its name implies, it describes the educational practices that non-Indians applied to Indian children.

The fourth and last piece of this fundamental, "Photo Essay," provides the reader with a visual image of the education of Indians in the non-Indian world.

Comments about Schools for Indians

Report of the Agent at Keshena, September 18, 1875, in Commissioner of Indian Affairs, *Annual Report for 1875*, p. 369.

KESHENA, WIS., *September* 18, 1875.

SIR: In accordance with instructions as per circular-letter under date of July 8, I herewith inclose a report for this agency since October 10, 1874, at which date I received my commission as agent . . . .

. . . A large proportion of this tribe can speak good English, are intelligent, transact their own business, receive and give credit, and are in every sense fit to become citizens. The survey of their land is now being made and apportioned into lots of 40 acres each, looking toward citizenship, which, if bestowed upon them, will prove best for the Indian, the community, and the Government, for, like the Stockbridges, they cannot improve in civilization and remain Indians.

Their schools are schools in name only, although there is some improvement the past few years; but it matters not how efficient teachers they may have, no one can make good, or even passable scholars of pupils who can come or stay away at their pleasure. Of nearly 400 school-children among the tribe, the average attendance is but 60, and with such indifference on the part of parents and children, that the withholding from the tribe (a step just taken by the department) of the $800 heretofore given for school purposes is perhaps a wise course to pursue until such time as they can appreciate the advantages given them . . . .

THE MENOMONEES.

They are the largest of the three tribes under care of this agency; numbering 1,522, who are a well-disposed, quiet, and willing-to-work people, and all improvements that can be made upon their reservation giving employment to them have a beneficial effect. They take pride in building comfortable houses, many of them frame, and while only a few years ago the log house was the exception, now the wigwam is the curiosity . . . .

THE [MENOMINEE] SCHOOLS.

. . . like those of the Oneidas, suffer in irregular attendance; yet a marked progress is perceptible, and the enthusiasm of the teachers produces good results. A new school was started at Keshena in December, Miss M.S. Schlieman, of Princeton, Ill., teacher, and has proved a success, the average attendance being eighteen. Could these same teachers have the scholars under their charge in a boarding-school where the home influence could not counteract their efforts, good scholars, good men and women, would be their reward.

The Indians in council have repeatedly expressed a desire that a boarding or manual-labor school might be established among them, and in the opinion of the agent no expenditure of funds could produce more permanent good with this people . . . .

JOS. C. BRIDGMAN,
United States Indian Agent.

Hon. E.P. SMITH,
Commissioner of Indian Affairs. (*Annual Report for 1875*, p. 369)

REPORT OF MISSIONARY, GREEN BAY AGENCY.

KESHENA, WIS., August 22, 1889.

Sir: In compliance with your request I submit my report on St. Joseph Industrial Boarding-School for the year ending June 30, 1889.

. . . True to our principles the work of our school was carried on during the past year in the usual manner. Besides the common-school exercises, the boys were instructed in general farm work, carpentering, shoe-making, baking, and book-binding; the girls in general housework, including cooking, washing, ironing, sewing, and mending.

School-room exercises were held for the small boys and girls from 8.30 to 11.30 a.m., and from 1 to 3.30 p.m.; and for the large boys and girls 8 to 11.30 a.m., and from 6.30 to 7.30 p.m. Owing to the great number of beginners, work in the class-room was tedious and trying, but has been successful, and should the same pupils return the coming year the work of the teachers will show more apparent results. The greatest obstacle with the little beginners is the want of knowing the English language, and to overcome this much patience is needed on the part of their teachers. Rapid progress in English is effected by companionship of pupils of various tribes. Good results in this respect have been experienced during the past two years . . . .

. . . Concerning our mission I add the following: Since July 1, 1888, we had sixty-four baptisms, forty-nine infants and fifteen adults; thirty-two have been baptized since January 1, 1889, twelve of these being adults.

In conclusion I express the hope and earnest desire that our Menomonees will in future derive more benefit of and turn to their profit the exertions made in behalf of their civilization, and advance more rapidly towards the white man's way of living.

Respectfully,

Father ODORIC DERENTHAL,
Missionary.

TO THOS. JENNINGS,
United States Indian Agent. (*Annual Report for 1889*, p. 301)

REPORT OF SUPERINTENDENT OF MISSION SCHOOL, LA POINTE AGENCY.

ODANAH, BAD RIVER RESERVATION, *La Pointe Agency, Wis., September 16, 1889.*

. . . The children are healthy, cheerful, and industrious. At present one of our pupils is sick, but we hope he will soon recover. All care is taken to teach our Indian children habits of industry, cleanliness, and virtue. The girls are taught, besides the usual branches of English school education, needle-work and cookery. The boys, all of whom are still small, are taught gardening and other useful work . . . .

REV. CHRYSOSTOM VERWYST, O.S.F.,
Superintendent of St. Mary's Boarding-School.

M. LEAHY
United States Indian Agent, Ashland, Wis. (*Annual Report for 1889*, p. 306-7)

Indian Schools in Wisconsin, *Tomah Journal*, August 10, 1894.

About 1,200 Indian Children in the Various Schools—Methods Employed to Make Good Citizens of Them.

From an article in the Sunday *Sentinel* on Indian Education in general and on the Wisconsin schools in particular we clip the following interesting portion:

The government of the United States expends annually about $2,000,000 in the work of educating Indian children. There are 25,000 children in the various schools maintained under the Indian bureau. This is an increase of 4,000 during the past year, and it is expected that by the opening of the school year, about Sept. 1., there will be a further increase in the attendance at the various Indian schools. There are more pupils in the Indian schools in Wisconsin than in all the other states east of the Mississippi river combined. Indeed the state makes a good showing in comparison with many states of the far West, where the Indian population is much larger. Some important work is now in progress in the state for the improvement of the Indian schools, and with the opening of the schools there will be several new buildings, and arrangements will be perfected for accommodating a largely increased number on Indian pupils . . . .

. . . There are in the Indian service three kinds of schools, including what is known as the non-reservation boarding school, such as the famous institution at Carlisle, Pa., at which industrial training is given in addition to the regular schooling. There are also regular "day schools" which are attached to the reservation and are attended by the pupils who live at home with their parents. Another is the contract school which is provided by the Indian bureau contracting for the admission to a public or private school of a stated number of Indian pupils. There is in Wisconsin one well-equipped non-reservation school located at Tomah, which has a capacity for 125 pupils, is well supported by the government, and where pupils are given an advanced education. The Indian bureau has recently taken from the Lutheran association the Indian school at Wittenberg and this school is to be made a non-reservation boarding school of the higher class. The buildings are to be improved and the capacity of the school increased to 160 pupils. The bureau has also access to a public day school in Ashland county . . . .

REPORT OF SCHOOL AT TOMAH, WIS.

TOMAH, WIS., *July 27, 1895.*

. . . I believe some action should be taken by the Indian Office looking forward to the compulsory attendance of the Winnebagoes at some school. I believe it would be better if they should be sent away from here where their parents would not see them often. Very few of these people live in houses, but in filthy teepees. The children delight in this wild life, and it is a very difficult matter to get them to attend school or to remain for any length of time. They have but little conception of the advantages of an education, and constantly draw comparison between the white man's mode of living and the Indian's, and believe that their way is the best and far superior, and until they can see and know the fact, which they have not seen or known after fifty years' constant intercourse with white people, it seems to me to be of but little use to temporize with them.

These people present the anomaly of having lived all these years among the white people and to have mixed with them but little in bloods, manners, or civilization. But very few of their children have attended school—some away from the State, some in the Indian schools of the State previous to the establishment of this school, and a few in the common schools. Their attendance has been very erratic, and their progress unsatisfactory in most cases. They live, as most Indians do, from hand to mouth, placing their chief dependence upon the slight annuity which comes to them each year, and which is chiefly spent for whisky and not for the necessaries of life; and I hope for this reason that some effort will be made more than I have been able to make, or has yet been made by anyone, to induce these people to place their children in some school . . . .

Very respectfully,

S.C. SANBORN,
Superintendent.

THE COMMISSIONER OF INDIAN AFFAIRS (*Annual Report for 1895*, pp. 411-12)

REPORT OF SCHOOL AT TOMAH, WIS.

TOMAH INDIAN INDUSTRIAL SCHOOL,
Tomah, Wis., August 21, 1897.

. . . Retaining pupils in school.—It is very difficult to retain these pupils in school from year to year. The Winnebago Indians are citizens, but they are far from being civilized. They have lived in civilization for more than fifty years, but they still practice many of their heathen customs. It is next to impossible to get the large girls in school, and very difficult to keep the boys in attendance. The parents rover about over the State picking blueberries and cranberries, gathering wild rice, and digging ginseng, and they are anxious to take their children with them. When cold weather begins, they are willing to put them in school, but it often happens that the school is filled by other pupils and they can not be received at that time . . . .

. . . Greater progress has been made in English speaking than in any preceding year, owing to the fact that Indian talking has been prohibited this year for the first time in the history of the school . . . .

. . . Very respectfully,

L.M. COMPTON,
Superintendent. (*Annual Report for 1897*, pp. 380-81)

INDIAN EMPLOYMENT.

. . . The employment of Indians is a suggestion of practical economy that should be encouraged, and it is intimately connected with "industrial work," which has already been discussed. It is urged in Mr. Oliver's paper, and in others, that the Indians must be taught and stimulated "to do something." That they must work in the field or in the shop is evidently implied; that their time must be usefully employed; that the Indian is splendidly equipped physically for manual labor; and that in any of the departments of physical industry he will easily become the peer of the white man, while in a literary or professional sense his apt to be deficient . . . . (*Annual Report for 1898*, p. 343)

COMPULSORY INDIAN EDUCATION.

. . . The Winnebagoes [now known as the Ho-Chunks] refuse to send their children to school. The policy adopted by the Interior department to compel the Indians to follow the rules of the Indian office and send their children to the school is the promulgation of an order placing the Winnebagoes under the control of Axel Jacobson. (*Tomah Journal*, August 19, 1899, p. 1)

REPORT OF SUPERINTENDENT OF ST. JOSEPH'S SCHOOL.

KESHENA, *August 6, 1902.*

SIR: In this my annual report of our industrial boarding school I take pleasure in recording a very successful year's work . . . .

. . . A due observance of legal holidays, a proper respect for the flag, and frequent lessons or talks on current events, especially of national importance, have tended toward making our children feel a pride in citizenship and their country. A few entertainments in which music, drills, speaking, etc., have been exercised have been beneficial to pupils and entertaining to visitors. In the industrial line all that is possible has been done to teach both boys and girls to work and to form industrial habits that may cling to them when they leave school. The boys have been taught to milk, to care for stock, to do all kinds of work on the farm, to raise different kinds of vegetables in the garden, and thus make themselves good farmers. Besides this, some were making and mending shoes, others were helping and doing carpenter work, and a few made themselves useful in the bakery. The girls for the most part were very promising in their work. They readily learned to sew, to operate the sewing machine, to cut, fit, and make their own and boys' clothing, to make bread, to cook, to work in the laundry, and, in fact, become good housekeepers . . . .

. . . Acknowledging my appreciation for the courtesy you have shown us all along, I am,

Very respectfully,

BLASE KRAKE.,
Superintendent St. Joseph's School.

D.H. GEORGE,
United States Indian Agent. (*Annual Report for 1902*, p. 372)

REPORT OF SUPERINTENDENT OF MENOMINEE SCHOOL.

GREEN BAY AGENCY, *August 11, 1902.*

SIR: I have the honor to submit to you the annual report of Menominee boarding school for the fiscal year ending June 30, 1902 . . . .

. . . The industrial work of the school has afforded the girls the usual opportunities of learning the arts of cooking, sewing, and other work necessary to housekeeping. The boys have given most of their time to agriculture, which, if properly taught, is the most suitable occupation for the Indians of this tribe . . . .

. . . Very respectfully yours,

CHARLES H. KOONZ.

D.H. GEORGE
United States Indian Agent. (*Annual Report for 1902*, p. 371-72)

Commissioner of Indian Affairs (Washington, DC: U.S. Department of the Interior)

. . . The promise of the Indian race lies in the education of its children, morally, mentally, and industrially. To perform this important function, Indian schools have been developed throughout the Indian country adapted to the particular needs of the race. To be of permanent value, these schools must equip the children to assume as adults the responsibilities of citizens. These institutions have become the milestones marking Indian progress.

The peak of attendance in Indian schools was reached in 1915, when 26,128 Indian children were enrolled, and there has been a gradual yearly decrease since then, both in attendance and the number of Government schools.

Under new rules governing enrollment, published in my last annual report, the following schools were abolished: . . . . the Oneida School, Wisconsin . . . .

These reductions do not mean that Indian children are deprived of facilities for their education. Whenever one of our schools is abandoned its place is taken by the public and private school, thus merging the child of the Indian into the same educational processes as that of the whites. In 1913 there were enrolled in public and private schools 25,988, and at present about 29,123 Indian children. This figure, however, does not show all the Indian children who are attending schools, other than Government, but only those of whom reports are made.

The Indian who has absolved himself from governmental supervision and taken up his home in the ordinary life of our people, usually enrolls his children in school with those of his white neighbor, and, while racially remaining an Indian, he takes his place in the nation as an American citizen. In his own life he thus visualizes the Indian Bureau's years of endeavor and indicates the approach of the day when his race will be fully absorbed into the body politic.

But this reference to the decreasing number of purely Indian school activities by no means implies that their complete absorption is near at hand. There still remains, and for many years will remain, a large population which must have the Government's educational aid . . . . (*Annual Report for 1920*, pp. 13-14)

Course of Study

General Philosophy

OFFICE OF SUPERINTENDENT OF INDIAN SCHOOLS,

WASHINGTON, *August 10, 1901.*

To Agents, Superintendents, and Teachers of Government Schools:

An outline course of study for the Indian schools is herewith submitted to you, and I trust it will receive your cordial and active support.

This course is designed to give teachers a definite idea of the work that should be done in the schools to advance the pupils as speedily as possible to usefulness and citizenship.

The aim of the course is to give the Indian child a knowledge of the English language, and to equip him with the ability to become self-supporting as speedily as possible.

Methods of instruction and subjects of study have their limitations in value, and in view of the aims and purposes in educating the Indian, who is just starting on the road to civilization, such methods must be employed as will develop the various powers and capacities with which the child is endowed, and by systematic industrial training to give him the skill in various directions designed to be serviceable in; meeting the demands of active life, making him a willing worker as well as an inquiring learner.

The value of education must be measured by its contribution to life interests, and it is our purpose to fit the Indian pupil for life. It is the privilege of the elementary school to awaken the child's capacities and quicken his interests, giving him an appreciation of his own powers, awakening his interest in and appreciation of things about him, cultivating a desire to cooperate with his fellow-men in the pursuit of knowledge and its achievement.

In this course practical lessons in every branch are outlined. The child learns to speak the English language through doing the work that must be accomplished in any well-regulated home, and at the same time is being trained in habits of industry, cleanliness, and system. He learns to read by telling of his daily interests and work with the chalk on the blackboard. In dealing with barrels of fruit, bushels of wheat, yards of gingham, and quarts of milk; in keeping count of his poultry and in measuring his garden, he becomes familiar with numbers in such a practical way that he knows how to use them in daily life, as well as on the blackboard in the schoolroom.

It should be the constant aim of the teacher to follow this course, and do as much more in each grade as he or she has time to accomplish; but the chief end in view should be the attainment of practical knowledge by the pupil, and no teacher should feel restrained from asserting his or her individuality in bringing the pupil's mind to a realization of the right way of living and in emphasizing the dignity and nobility of labor.

As far as possible teach the children that the cultivation of good habits, self-control, application, and responsiveness are recognized as being on a higher educational plane than a knowledge of definitions and unimportant dates; that the development of character is the only imperishable object for which we can work; that consequences follow action with unfailing certainty; and that "it is the purpose that inspires us and the motive that holds us to our task that limits the extent and value of our service."

Hoping that better morals, a more patriotic and Christian citizenship, and ability for self-support will result from what this course of study may inspire, I am,

Very sincerely,

ESTELLE REEL,
Superintendent of Indian Schools.

Approved
W.H. Jones
Commissioner (Reel, 1901, pp. 5-6)

The Evening Hour

The superintendent must call upon all employees in the school to unite in making the evening sessions of the school pleasant as well as beneficial. This is a most excellent time for vocal music. A short time should be devoted every evening to note reading, the scales, part singing, and general chorus work. The patriotic songs must be taught in every school, and every child should be familiar with the words as well as the music of our inspiring national songs.

One evening in the week should be a social hour, when the pupils may spend the evening in conversation, grand marches, etc., under the direction of the teachers, who are expected to see that pupils conduct themselves as the sons and daughters in a well-regulated home under the care of the mother.

It is not advisable to have pupils study in the evening. Many schools do not have lights sufficiently bright to read by, and numbers of the children have weak eyes which should not be used at night any more than is necessary.

The superintendent will be able to plan for a pleasant and profitable hour for the pupils each evening by having the several employees give a talk on the work of their respective departments, arranging so that each employee will instruct the children at the evening hour twice a month, for example:

Monday, the farmer.
Tuesday, the seamstress.

Wednesday, the shoe and harness maker.
Thursday, the cook.
Friday, the social hour.
Subjects and dates being changed to suit the convenience of the employees.
Sunday, devotional exercises, song service, etc.
Monday, the industrial teacher.
Tuesday, the laundress.
Wednesday, the matron.
Thursday, the superintendent.
Friday, social hour.

This will carry the work through two weeks, when it is to be repeated on through the year.

The class-room teacher will assist in making the evening hour a helpful one by preserving order and by assisting the speaker of the evening in every way possible, giving the instruction in music, in calisthenics, and in current events, etc.

A short exercise in calisthenics must be given every evening, giving the pupils breathing exercises and proper positions in standing and exercise in using the various muscles, improved health and grace of movement being the ends sought in this work. Some of the exercised may be given with music, which adds to the interest.

The hour should really be called the recreation hour, and after the work of the day is over the exercises of the evening should be of a restful, entertaining nature, that each child shall grasp a practical thought that may be applied in the work to be done.

All pupils over 9 years will be expected to attend the exercises of the evening hour.

The teachers of the different departments who are to give talks on their special work must arrange these talks so as to give the details of the work step by step.

The cook, in her talks throughout the year, will give menus for breakfast, dinner, and supper, for the different seasons, with recipes for making everything, which the pupils will take down; thus each school will make its own cookbook, while the pupils will learn to plan ahead, and to have vegetables and fruits in season, carefully preserving and drying everything possible for winter use. This affords excellent chance for study of English and composition.

The matron's talks will include general housework, sweeping, keeping the corners clean, the necessity for keeping a clean house and a place for everything. The number and kind of garments needed for winter, also for summer; how to make them, launder them, and keep them well mended. How to prepare the meals for a small family, serve them daintily, and the importance of eating at regular intervals and not waiting too long, thus giving the heart too much work at one time, and the necessity for keeping the surroundings of the house in good order, as well as the interior. She will give talks on the special care of each room in the house, and through the whole warp of life to weave truthfulness, honesty of purpose, and integrity, that the result will be honest men and women and useful citizens. In like manner each subject presented must be given with the purpose of showing the pupils more clearly the reasons for doing the work in question.

In every school the salute to the flag must be taught, and where the climate will permit, this exercise must be engaged in out of doors, by the whole school, morning and evening; and where the climate is too severe, it can be done in the class room daily and at the evening hour. (Reel, 1901, pp. 109-11)

The Outing System

It is the earnest wish of the Department to extend to every reservation and every school where the conditions are favorable the system known as the "Carlisle Outing System." Its value as a means of educating and elevating the Indian can not easily be overestimated, and the Department desires that every Indian agent and school superintendent carefully investigate and consider the conditions surrounding his school, to ascertain whether it be practicable to put this plan into operation; and if so, that he proceed at once to take steps to place a number of the school children among the citizens of the locality.

The Carlisle Outing System, briefly stated, consists in the placing of the Indian pupils in good white families, preferably in the country, during a portion or all of the year, where they will be treated as one of the family, made to attend the public school of the district while it is in session, and paid a small sum for their services. The pupils clothe themselves and pay their other necessary expenses, and the school makes provision for taking care of their savings. The spring and summer months are the most desirable for sending the children out, but many of them should be kept out at all times of the year.

This method has now been in operation for many years, and wherever tried, it has proven remarkable effective.

Its chief advantages are as follows:

It places the student under the influence of the daily life of a good home, where his inherited weaknesses and tendencies are overcome by the civilized habits which he forms—habits of order, of personal cleanliness and neatness, and of industry and thrift, which displace the old habits of aimless living, unambition, and shiftlessness. It places him in the midst of the stir of civilized life, where he must compete with wide-awake boys and girls of the white race; it gives him a free and ready command of English; it teaches him the worth and value of labor and its remuneration, and by saving his earnings, trains in habits of economy and prudence; it teaches him how to conduct a farm or dairy in the most practical manner; and last, it removes the prejudice between the races by showing each to the other in its true light.

At the same time that the pupil's life on the farm gives him a knowledge of agriculture, it trains him in the work habit. He sees and takes part in the farming operations from beginning to end. He helps, in the early spring, to burn the rubbish and clean the fields and garden; then assists with the plowing and preparing of the ground; takes an important part in the planting of the seed, the cultivation of the crops, and finally in harvesting and preparing for the winter. He is also actively engaged in the picking and storing of fruit, in caring for the domestic animals, and in the work of the dairy. In fact, he receives a thorough training in every one of the innumerable details with which a successful farmer must be familiar.

After a few years' experience of this kind the boy will be more able to return to his home and conduct a farm in all its departments, and his home life during his outing will have fitted him to provide and arrange a home and live in it as the people do at the home he has just left.

The same is true with the girl. She is trained in the practical everyday life of the household; gains the ability to cook, to sew, and to wash; forms those habits of cleanliness and order so necessary to a comfortable home; and becomes in every respect a thorough housewife. She gains also in self-reliance. Association with good white people is the best civilizing agency that can be devised. Through it the Indian youth unconsciously imbibe the traits of character of those with whom they associated, and continue to become more like them the longer they remain in their society. From this intercourse and association, and from the fact that each is thrown upon himself to maintain his standing among his white acquaintances, comes a stamina and strength of character which is so important to future success. It gives a confidence in one's ability to overcome circumstances and shape them to one's needs.

To put a pupil in a family where he is regarded as one of the household is almost the ideal way of educating and training him to civilized living. He is put in the exact position of the white boy of his own age, and is acted upon by precisely the same influences. The everyday life of the family which he lives becomes gradually; and unconsciously a part of his nature.

As an Indian child adopted at an early age into a good white family will grow up as much civilized as any of his white playmates, so a lengthy outing has to a degree a similar effect, for the principle is the same.

The plan of saving part of the earnings is one of the best features of the outing system. The teaching of a proper appreciation of the value of money is one of the ends aimed at in Indian education, and by the boy or girl putting aside each month a part of the earnings of his or her own labor, this much-desired result is secured to a very gratifying degree. To earn money by one's own exertions is to appreciate its value a hundredfold more than to obtain it without effort. From this will follow also a proper appreciation of the value of time and labor. The pupil will be required to keep a record of his deposits, withdrawals, and expenditures, and this will teach him a knowledge of accounts, the observance of system, and the practice of economy and thrift.

After having lived under the outing system a few years the pupil will have accumulated a comfortable sum, the possession of which will stimulate an ambition to possess a home and will be of immense assistance in providing it—the boy's savings to build the home and fit out the farm and the girl's to furnish the house. The keynote of Indian education is self-support, and this is the best way to lay the foundation.

The homes for the placing of students should be very carefully selected by the agent or superintendent, and should be those where the conditions are most favorable for the attainment of the objects aimed at. The pupil must be permitted, and in fact made, to attend the public school while it is in session, must be treated as one of the household, and must be allowed a certain monthly sum for his services.

The pupil will be allowed to spend a portion of his earnings for clothing and incidentals, and the rest will be placed on deposit in accordance with arrangements made by the superintendent.

The person with whom any child is placed should be required to make a report periodically upon the progress and efficiency of the pupil, and a record of all these reports will be kept at the school and incorporated into the annual report.

As said before, the most favorable time for placing the children out in these homes is during the spring and summer months, but a considerable portion of them should be out at all times of the year.

There are some localities, of course, where the conditions are such as to make it impracticable to carry out this system extensively, but an effort should be made to place a few children out in the best families near each school. (Reel, 1901, pp. 275-76)

Boarding School Schedule

One Week's Program of an Indian Girl in the Prevocational Division, 1916.

The Prevocational Division consists of the Fourth, Fifth, and Sixth Grades, and these pupils attend school one-half of each day and work in one of the industrial departments the other half day.

The general program is about the same for each school day, with a few exceptions which have been noted.

Monday

6:00 A.M.	Rising Signal. Makes morning toilet and makes bed.
6:15 A.M.	Goes to Bakery to mix bread.
6:45 A.M.	Drill.
7:00 A.M.	Breakfast.

7:30 A.M.	Helps wash and dry dishes.
8:00 A.M.	Class in industrial instruction.
8:30 A.M.	Regular industrial detail work.
11:30 A.M.	Recall from work. Makes toilet for dinner. Goes to dining room to help dish up dinner.
11:50 A.M.	Drill.
12:00 P.M.	Dinner.
12:45 P.M.	Makes toilet for school and helps small girls get ready for school.
1:15 P.M.	School.
4:30 P.M.	Recall from school.
5:00 P.M.	Makes toilet for supper.
5:15 P.M.	Line up for roll call and drill.
6:00 P.M.	Supper.
6:30 P.M.	Helps clean tables and wash dishes.
7:00 - 8:00 P.M.	Library Hour.
9:00 P.M.	Retiring Signal.

Tuesday

4:00 P.M.	Bathing Day.
7:00 - 7:30 P.M.	Physical training and basket ball in gymnasium.
7:30 P.M.	Bathing if not done at 4:00 P.M. Unrestricted.

Wednesday

7:00 P.M.	Moving Pictures.

Thursday

7:30 - 8:30 P.M.	Religious instructions, both Protestant and Catholic.
8:30 - 9:00 P.M.	Basket ball and physical training in gymnasium.

Friday

7:00 - 8:00 P.M.	Homaway Literary Society meeting, alternating with Large Pupils' Socials.

Saturday

8:00 to 11:30 A.M.	Industrial departments in session half day for girls.
1:00 - 2:00 P.M.	General personal sanitary inspection.
2:00 - 5:00 P.M.	Unrestricted recreation, basket ball in gymnasium, etc.
7:00 - 8:30 P.M.	Unrestricted. Reads, writes, plays, basket ball in gymnasium, according to her personal preference.
9:00 P.M.	Retiring Signal.

Sunday

9:00 A.M.	General school inspection, first, and third Sunday of month.
10:00 A.M. - 12:00 P.M.	Instruction and Mass for Catholic pupil. Sunday School and Church Services for Protestant pupil.
12:30 P.M.	Dinner.
1:00 P.M.	Unrestricted, plays, reads or writes letter.
3:00 - 4:00 P.M.	Christian Endeavor. (Voluntary for Protestant pupils)
4:00 - 5:00 P.M.	Unrestricted.
5:30 P.M.	Supper.
7:00 - 8:00 P.M.	General Assembly.
9:00 P.M.	Retiring Signal.

One Week's Program of an Indian Boy in the Prevocational Division, 1916.

The Prevocational Division consists of the Fourth, Fifth, and Sixth Grades, and these pupils attend school one-half of each day and work in one of the industrial departments the other half day.

The general program is about the same for each school day, with a few exceptions which have been noted.

Monday

6:00 A.M.	Rising Signal. Makes morning toilet and makes bed. Goes to barn to do chores.
6:45 A.M.	Morning Military Drill.
7:00 A.M.	Breakfast.
7:30 A.M.	Makes his own bed and helps clean boys' building. Makes toilet for work.
8:00 A.M.	Reports for work on detail.
8:00 - 8:20 A.M.	Class in either, farming, gardening, engineering, or carpentry.
8:20 A.M.	Regular detail work.
11:30 A.M.	Recall from work. Makes toilet for dinner.
11:50 A.M.	Military Drill.
12:00 P.M.	Dinner.
12:40 P.M.	Makes toilet for school.
1:15 P.M.	School.
4:30 P.M.	Recall from school. Goes to barn to do chores.
5:00 P.M.	Recall.
5:15 P.M.	Makes supper toilet.
5:30 P.M.	Supper.
6:45 P.M.	Drilling Exercises.
7:00 - 8:00 P.M.	Physical culture and basket ball in gymnasium.
9:00 P.M.	Retiring Signal.

Tuesday

6:30 - 7:30 P.M.	Library Hour.
7:30 - 8:30 P.M.	Physical culture and basket ball in gymnasium.
9:00 P.M.	Retiring Signal.

Wednesday

7:00 P.M.	Moving Pictures in school auditorium.

Thursday

6:00 - 7:00 P.M.	Bathing.
7:30 - 8:30 P.M.	Religious instructions at school house. (For both Catholic and Protestant pupils)
9:00 P.M.	Retiring Signal.

Friday

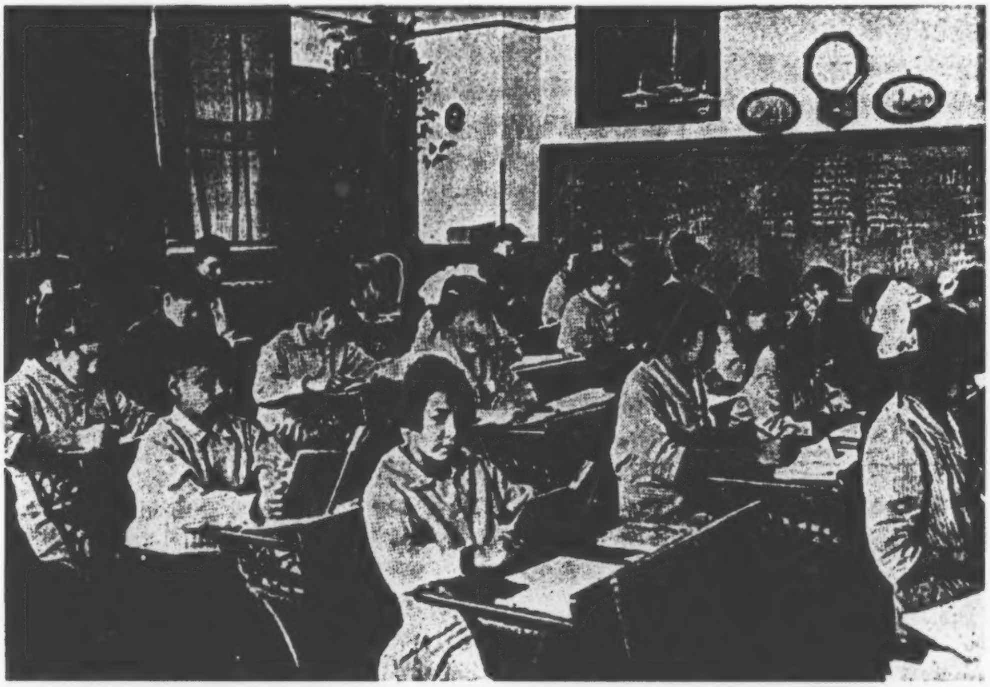
7:00 P.M.	Literary Society at school auditorium or Large Pupils' Social at gymnasium on alternating Fridays.

Saturday

7:30 - 11:30 A.M.	Makes bed and helps clean boys' building. Allowed to go to town until 11:30 A.M.
1:00 - 5:00 P.M.	Regular detail work.

7:00 - 8:45 P.M.	Basket ball in gymnasium.
Sunday	
9:00 A.M.	General school inspection, first and third Sunday of each month.
10:00 A.M. - 12:00 P.M.	Sunday School and Church services for Protestant pupils. Instruction and Mass for Catholic pupils. (Attendance compulsory)
12:30 P.M.	Dinner.
1:00 - 5:00 P.M.	Unrestricted.
3:00 - 4:00 P.M.	Christian Endeavor. (Voluntary for Protestant)
7:00 - 8:00 P.M.	General Assembly in school auditorium.

Photo Essay



A Schoolroom. Tomah Indian Training School: 1917-1918 Announcement. *Tomah, Wisconsin, p. 13.*

Farmer's house with school building in the background on the Menominee Indian reservation at Keshena, Wisconsin in the early 1890s. Courtesy of the State Historical Society of Wisconsin. WHi (x3) 47177

GRADUATING CLASS, 1902.

Graduating Class, 1902. Catalogue of the Indian Industrial School, Carlisle, Pennsylvania. *(Jamestown, NY:* The Journal*). The Carlisle Indian Industrial School, a boarding school in Pennsylvania, enrolled Indians from many tribes across the United States. Eleven members of the class of 1902, depicted in this photograph, were from Wisconsin Indian tribes.*

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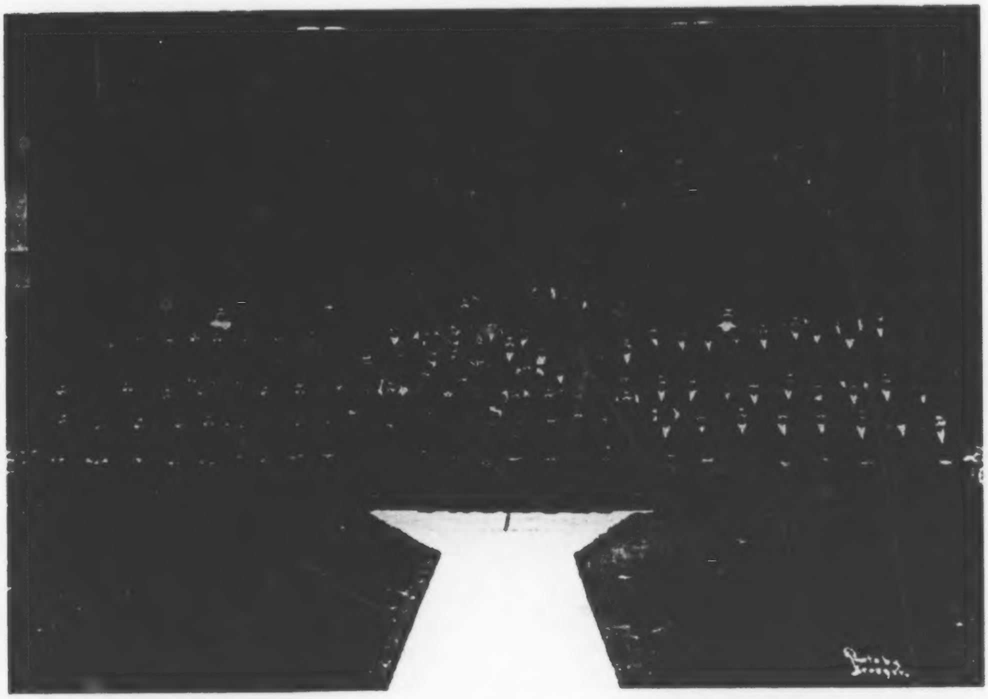
Lac du Flambeau, Wisconsin, ca. 1895. Sewing class in a U.S. government school for Indian children. Photograph courtesy of the State Historical Society of Wisconsin. WHi (x32) 9356

Weeding detail, 1902. Catalogue of the Indian Industrial School, Carlisle, Pennsylvania. *(Jamestown, NY:* The Journal*).*



Oneida Indian School in the early 1900s. Courtesy of the Neville Public Museum of Brown County.

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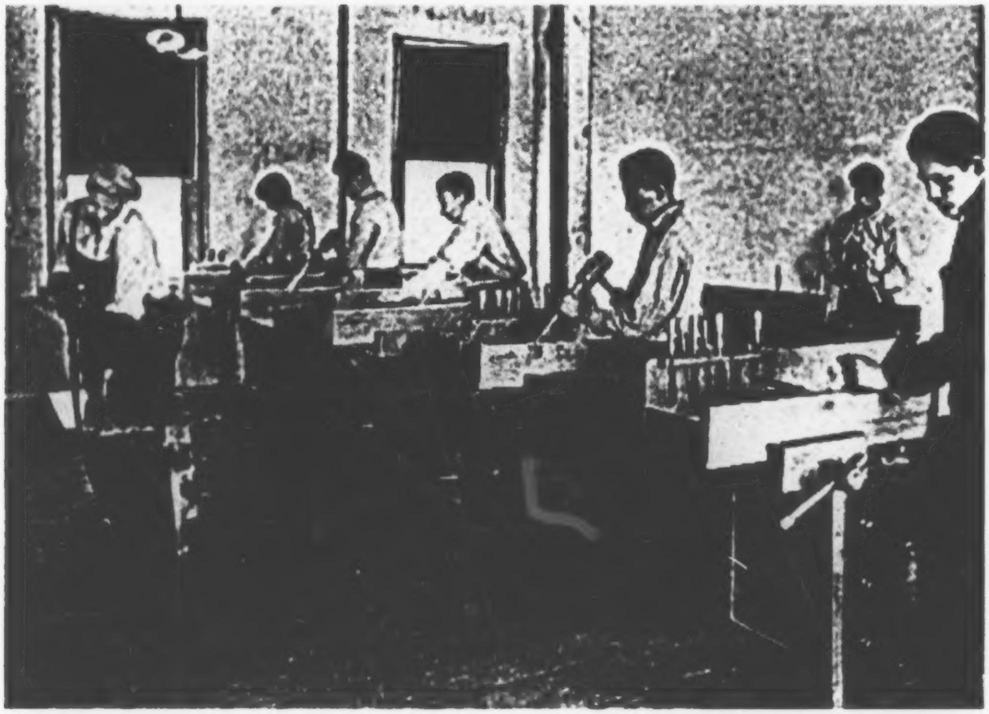
Class in dressmaking. Tomah Indian Training School: 1917-1918 Announcement. *Tomah, Wisconsin, p. 15.*



Class in manual training. Tomah Indian Training School: 1917-1918 Announcement. *Tomah, Wisconsin, p. 15.*

Children from the Indian School at Tomah, Wisconsin. Photograph by the Wisconsin Conservation Department. Courtesy of the State Historical Society of Wisconsin. WHi (x3) 37295.

References

Miscellaneous Correspondence Relating to Education, 1913-1922. Record Group 75, Box 923925, National Archives, Great Lakes Region, Chicago, Illinois.

Reel, Estelle. *Course of Study for the Indian Schools of the United States: Industrial and Literary*. Washington, DC: GPO, 1901, pp. 5-6, 109-11, 275-76.

Reservation Life

Reports of Agents in Wisconsin

KESHENA, WIS., *SEPTEMBER* 18, 1875.

SIR: In accordance with instructions as per circular-letter under date of July 8, I herewith inclose a report for this agency since October 10, 1874, at which date I received my commission as agent.

THE STOCKBRIDGE-MUNSEES.

The first work devolving upon me (Hon. T.C. Jones, of Ohio, special commissioner, assistant) was to make payment to 138 Stockbridge Indians, who enrolled themselves as per act of Congress of February 6, 1871, entitled "An act for the relief of the Stockbridge and Munsee tribe of Indians," as desiring to sever their tribal relation and become true and loyal citizens of the United States. The *per capita* share realized from the sale of lands, as provided in the above act, was $675.38, which amount each received, and they are no longer wards of the Government.

Nearly all of them, in anticipation of this payment, had bought of unprincipled traders, who surround every Indian reserve, (over whom the Government has no control) horses, wagons, &c., paying exorbitant prices, leaving them but a small amount with which to start out in the world for themselves, but generally the little they had left was invested in land and a home was provided; and although they are largely scattered, I find most of them are doing well, raising good crops the past summer, showing a commendable spirit of industry and settling down into citizenship quite naturally.

According to a census just made, 118 members of the tribe preferred to remain a while longer as Indians; but observing the general success and independence of those gone out from them, and owing to the internal discord for which this tribe has been noted for many years, which this separation does not seem to heal, they are almost unanimous in a desire to petition Congress the coming winter that an act be passed authorizing a sale of the balance of their lands, permitting them to receive the portion of goods falling to them, and to become citizens of the United States.

As this tribe is so small, all of them speaking good English, and in every respect capable of caring for themselves, having made all the advancement in knowledge and intelligence it is possible for them to make as Indians, it is earnestly hoped their petition will be acted upon, and their request granted.

Owing to the withdrawal of the citizen party the number of school children is greatly reduced, (an average of less than ten,) which makes the school far from interesting for their efficient teacher, Mrs. J. Slingerland.

THE ONEIDAS.

[They are] thirteen hundred and thirty-two in number, occupying as they do much valuable land in Brown and Outagamie Counties, are surrounded by white people, who in many instances come into Indian territory on purpose to take advantage of the Indians and thereby wrong them out of their property. Fortunes have been and are being made by unprincipled men, who have erected saw-mills as near to the reservation as possible, buying of the Indians timber at much less than its value, scaling the same to suit themselves, and oftentimes paying for it in goods at exorbitant prices, which in many cases are exchanged for whisky, and it is no uncommon thing for a man with his team hauling timber from the reserve to settle Saturday night, and before morning his week's work and timber are both gone. With permission of the Department I have made a few arrests of parties selling liquor to the Indians, but am much hindered in this work from the fact that the Indian is aware that he is not subject to arrest, no matter how drunk he may get, and the whisky-seller, by bribes and threats, can generally seal his mouth from giving any testimony that will secure conviction. There are many sober and industrious men of the tribe who deeply deplore this state of things, and ask if a law cannot be passed whereby an intoxicated Indian can be put under arrest until he will tell where he obtained his liquor. Could this be done, drunkenness might be almost if not entirely overcome among them.

A large proportion of this tribe can speak good English, are intelligent, transact their own business, receive and give credit, and are in every sense fit to become citizens. The survey of their land is now being made and apportioned into lots of 40 acres each, looking toward citizenship, which, if bestowed upon them, will prove best for the Indian, the community, and the Government, for, like the Stockbridges, they cannot improve in civilization and remain Indians.

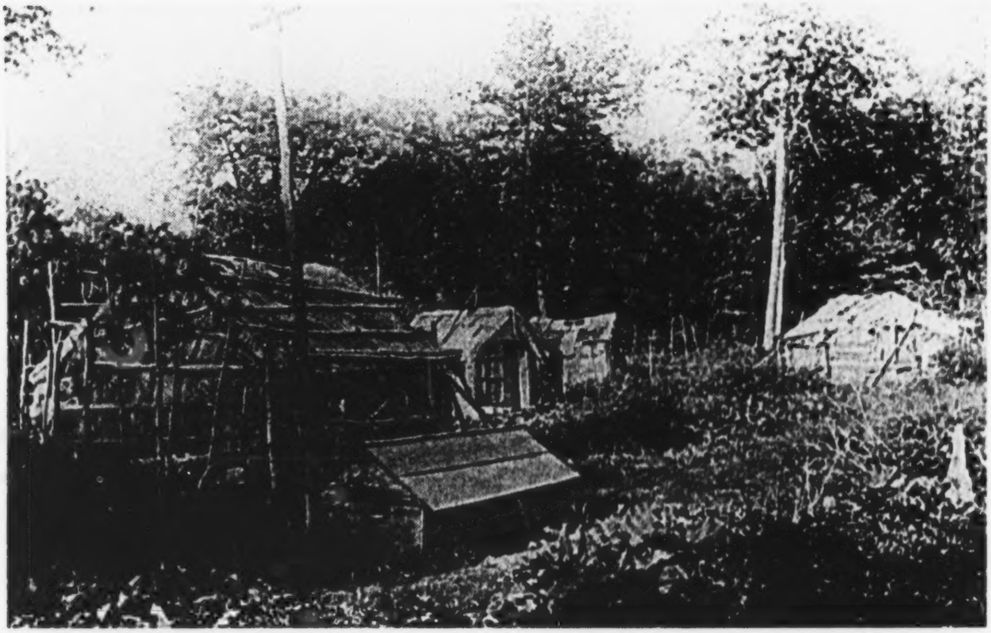
Their schools are schools in name only, although there is some improvement the past two years; but it matters not how efficient teachers they may have, no one can make good, or even passable scholars of pupils who can come or stay away at their pleasure. Of nearly 400 school-children among the tribe, the average attendance is but 60, and with such indifference on the part of parents and children, that the withholding from the tribe (a step just taken by the Department) of the $800 heretofore given for school purposes is perhaps a wise course to pursue until such time as they can appreciate the advantages given them. For statistical information of this tribe I herewith inclose a report.

THE MENOMONEES.

They are the largest of the three tribes under care of this agency; numbering 1,522, who are a well-disposed, quiet, and willing-to-work people, and all improvements that can be made upon their reservation giving employment to them have a beneficial effect. They take pride in building comfortable houses, many of them frame, and while only a few years ago the log house was the exception, now the wigwam is the curiosity. For their commendable progress in agriculture I refer you to the farmer's report, herewith annexed, which speaks much in their favor.

It is to be regretted that it has been customary with this tribe to receive every year a complete new outfit of tools for haying—scythes, rakes, forks, &c.; also distributing nearly a thousand dollars' worth of provisions to the owners of the marshes as they go into haying-camp. This appears to me unwise, as it teaches them to be very improvident and to waste their property. Besides, in the matter of provisions, private individuals are fed at the expense of the tribe. I hope to make a radical change in this respect. The maple-sugar crop is a source of revenue which helps them much. Not less than sixty tons were made the past spring, the Government trader purchasing the same, paying them $200 per ton.

Owing to the death of Mrs. Keeler, the blacksmith's wife, a change was made May 1, and Mr. Brooks the new blacksmith who filled the position under a former agent some years ago, understanding the Indian and their wants, is giving general satisfaction. Inclosed is his report. The resignation of Mr. Moarn, December 31, left us without a miller from January 1 to July 1, at which time the services of Mr. N.D. Smith were secured, who proves himself thoroughly practical as a miller, millwright, and carpenter, and would be valuable to the tribe at the highest price allowed for a miller among Indians. But the work to do, no repairs having been made for years, the isolation from civilization necessary to live here, with the meager salary offered him, will, I fear, prevent his enrollment as a regular employe.



Winter Habitation of Bark. From Walter James Hoffman. "The Menomini Indians." Fourteenth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1892-1893. *Washington, DC: GPO, 1896, Part 1, Plate 18, p. 257.*

THE SCHOOLS.

[L]ike those of the Oneidas, [the schools] suffer in irregular attendance; yet a marked progress is perceptible, and the enthusiasm of the teachers produces good results. A new school was started at Keshena [for the Menominee tribe] in December, Miss M.S. Schlieman, of Princeton, Ill., teacher, and has proved a success, the average attendance being eighteen. Could these same teachers have the scholars under their charge in a boarding-school where the home influence could not counteract their efforts, good scholars, good men and women, would be their reward.

The Indians in council have repeatedly expressed a desire that a boarding or manual-labor school might be established among them, and in the opinion of the agent no expenditure of funds could produce more permanent good with this people.

In December last, with the approval of the Hon. Secretary of the Interior, four lumbering-camps, employing about 100 Indians, were started cutting pine for the Oconto and Oshkosh markets; $16,335.46 was realized in April last from the sale of 2,891,232 feet, which were sold at public auction at Oconto, the logs delivered on the banks of the Oconto River, in the reservation.

The logs cut on the Wolf River were taken to Oshkosh and sold through sealed proposals, realizing $19,335.89 for 2,272,918 feet. After deducting expenses of the camps, we have for stumpage a little over $4. It is unfortunate that the logs cut in 1873 and 1874 by my immediate predecessor were not sold by him, as he was offered $2 per thousand more than they sold for this season. Like others, he held for a rise, which, owing to the severe hard times all over the country, did not come with the opening of spring, but a heavy decline in lumber followed, from which it has not recovered.

A recent census taken shows this tribe to number about seven hundred pagans and eight hundred Catholics.

With the reports of the farmer, blacksmith, and a statement from the acting miller, this report is respectfully submitted.

JOS. C. BRIDGMAN,
United States Indian Agent.

Hon. E.P. SMITH,
Commissioner of Indian Affairs.

OFFICE OF UNITED STATES INDIAN AGENT,
CHIPPEWAS OF LAKE SUPERIOR,
Red Cliff, via Bayfield, Wis., September 30, 1875.

SIR: I have the honor to submit the following as my second annual report:

Payments were made in the usual order, commencing with the Grand Portage bands, on their reserve in Minnesota, September 21, there being present or accounted for 262 souls; to the Bad River bands, on their reserve in Wisconsin, October 3, there being present or accounted for 732 souls. Arrangements had previously been made for the payment to take place a week earlier, and the agent, with his assistants, proceeded to Odanah, on their reserve, prepared to complete the payment, when the Indians were met in council, but owing to an impression in the minds of the chiefs that large arrearages from former treaties are still due them, they refused to receive either money or goods. After counciling with them two days, and coming to no favorable understanding, other than that they would not receive their annual payment till those old matters had been adjusted, the agent struck tents and returned to his home, where he was waited upon two days after with a request from the chiefs stating that they had reconsidered their decision, and desired to have the agent return and make payment, which request was complied with as above.

The agent met the Red Cliff bands, and made payment on their reserve September 28, 1874, there being present or accounted for 726 souls. The Fond du Lac bands were paid on their reserve October 15, 1874, there being present or accounted for 404 souls. The Lac du Flambeau bands were collected for payment, at their request, on the line of the Wisconsin Central Railroad, at Worcester, Wis.; being the end of the railroad, there being present or accounted for 665 souls. The Lac Courte Oreille bands were paid on their reserve November 14, 1874, there being present or accounted for 1,048 souls. This completed the last of the twenty annual payments in money and goods, under the treaty of 1854, with the Chippewas of Lake Superior; and it is not to be wondered at that the Indians should claim a right, usually granted to white people, to examine the books and accounts, and to have all old matters properly adjusted before giving a clear receipt. They desired to have those matters investigated and all the provisions of their treaty carried out before receiving this their last payment. The agent was met at all the reserves with the same cry, "We want to go to Washington to settle with the Great Father." The several bands were finally induced to receive their money and goods, which the women and children needed badly, with the assurance from the agent that he would again bring the matter to the attention of the Department; and it is here placed upon record as the opinion of the agent that it would be in the interest of civilization to grant the request of these Indians, even to giving them a visit to the Great Father. So long as the chiefs are holding the young men back by assurances that large arrearages are due them, our work will be labor indeed. The Bois

Fort bands received their payment January 23, 1875, at the crossing of the Saint Louis River, there being present or accounted for 732 souls . . . .

BAD RIVER BANDS.

These have steadily advanced in all steps toward civilization, notwithstanding many drawbacks, and the determined stand taken by most of the chiefs against self-advancement and support. The chiefs have rendered no assistance whatever; in fact, they have discouraged the young men upon all occasions, even to their making requests to the agent to withdraw the employes, &c. The young men have kept steadily onward, taking the advice of and frequently consulting with the agent, farmer, teachers, and missionaries. The result is an increased demand for horses, cattle, and the comforts of home. The agent's recommendation that allotments of 80 acres be made to those prepared to receive patents was granted, and allotments to 160 individuals was made, and the boundary-lines surveyed and blazed. The chiefs took decided steps against the movement, but the young men came forward, gave evidence of having made improvements and received their certificate.

The product of Indian labor on this reserve for the last twelve months is estimated to be over $100 for each man, woman, and child on the reserve. Now, this is the result of Indian labor as practiced by the few who work. What might it not be if all did what they could? The following is a partial list of products, &c . . . . Bushels of corn, 600; bushels of oats, 1,000; bushels of potatoes, 6,000; bushels of turnips, 4,000; number of pounds of tobacco grown, 600; tons of hay cut, 250; cords of wood cut, 300; value of furs sold, $4,000; number of baskets made, 250; barrels of white-fish caught, 2,000; other fish caught, 50,000 pounds; bushels of berries gathered, 350; amount of maple-sugar made, over 40 tons; number of pounds of rice gathered, over 2 tons; hoop-stuff, over 50 cords; 30,000 staves, 10,000 shingles, 428 ax-handles, and 3,000 pairs of moccasins made and sold. Twelve Indians have learned to read during the year, and 7 have learned trades. Eighteen additions to the little Presbyterian church; fifteen during the last six months. This is but a partial result of the year's operation; but does it not look well? Does it not speak in tones that will not be mistaken, in favor of carrying the Bible in one hand and the Christian civilizer, labor, in the other?

RED CLIFF BANDS.

The expiration of the treaty was accepted by these bands as a finality, so far as assistance from the Government was concerned. They have generally supported themselves and families. They work as white people; in fact, the majority have taken a noble stand for self-support. They have been encouraged by all the means at the command of the agency. Their reserve, being principally hills, was presumed to be unadapted to any agricultural results; this has been proven beyond doubt to be erroneous.

The agent moved on this reserve to thoroughly test the question, what can be done with Red Cliff? And our experience teaches us that, with an ordinary good season, as fine a crop can be raised on the reserve as on any land bordering the great lake. Ground was broken, potatoes and other seed purchased. The Indians worked manfully, and about four times the usual amount was planted. The season has been unusually dry, (no rain for the six weeks ending August 5.) The potato-bugs have been destructive in the extreme, saying nothing of the cut-worms, &c.; and yet the estimated crop for this year will be 4,000 bushels of potatoes, 50 bushels of turnips, 50 bushels of beans, 25 bushels of pease, 10 bushels of onions, 10 tons of hay cut, and 25 tons of sugar made. They have made 1,000 fish-barrels, and 15 boats have been built, 52,000 staves cut, and over three miles of fence built. They have caught 150 tons of fish, 50 tons being caught during the cold winter months, and sold to parties for shipment south and west. Besides, over half of these Indians have been engaged outside of the reserve in logging camps, cutting wood, and other civilized occupations. Many of them have accumulated property in houses and lots, horses and cattle, &c., and have given the best of evidence that they are now ready for citizenship. These things, together with the request made by several that they be allowed to make selections of land as provided by the third article of the treaty of 1854, within the boundary of their reserve, caused the agent to recommend that steps be taken by the proper authority to grant their request, and that all who might so choose be allowed the privilege of citizenship by abandoning their tribal relations. Many are now prepared to take this step, and it is most earnestly recommended that such legislation as may be required for this purpose be secured at an early day.

The cooper-shop enterprise, inaugurated on this reserve over a year ago, is a complete success in so far as doing good work is concerned. If the barrels could be sold, or if we had three or four pound nets in the bay off Red Cliff, the shop could be kept going, and from five to eight Indian boys could be taught the trade each year. This would give employment to from ten to fifteen Indians ten months in each year. The only drawback this year has been no sale for barrels . . . .

LAC DU FLAMBEAU BANDS.

These bands are so far removed from the agent that nothing is attepted further than to visit them once or twice each year. Efforts have been made at each visit to induce them to give up their roving habits and settle upon Bad River, but to no good results. The young men of these bands would willingly accept this offer, but they are controlled by the chiefs, who will not give up their present location. Some few have, however, been allotted eighties with the Bad River bands, and it is yet hoped that others may be induced to settle with them.

LAC COURTE OREILLE BANDS.

These bands have been in a continued state of excitement. The mischievous individuals who circulate among and live off the poor, ignorant Indian by pretending to give him wholesome advice, and are so watchful of his interest, have kept these Indians in hot water during the whole of the past year. They claim an Indian woman for wife, and lie, cheat, and sell whisky for a living. These bands are kept in a miserable state of unhappiness by just such white men, too lazy to work, too cowardly to steal. Then, again, they were annoyed by the work on this reserve being suspended for want of funds, while the old contractors were allowed to cut and remove timber during the winter. It will be remembered that the agent was directed to decline further payment on the timber contract, and it was understood that no timber was to be cut; the contractor having so informed the agent, and he in turn so informed the Indians on his visit to them in November. To this understanding the contractor however failed to adhere, and a large amount of timber was cut and removed, notwithstanding they had been directed by this office to cease further operations.

The farmer and teacher who had inaugurated the work on this reserve, in July, 1873, becoming discouraged and disheartened, on account of want of funds and a suspension of the work, resigned in January, and I wish to bear record to their faithfulness and devotion to the labor in hand. The Indians of this reserve will ever remember with grateful hearts the good and kind Mr. and Mrs. Holt. About $25,000 has been spent in this work, the Indians receiving a greater part for labor performed for their own benefit or that of their bands, and so much had been accomplished that the agent did not consider it policy to abandon the work; he therefore engaged another teacher and farmer, who were sent out June last; although late in the season, great results are reported. The school was opened July 5, the average daily attendence being 13.

These Indians certainly deserve attention from the Government. They are willing to work, and have some good farming-lands. I know of no better material for a philanthropic and benevolent Government to work upon. Allotments of lands under their late treaty will be made to them this fall. Can we not be assured that funds ample for this work will be forthcoming this next year?

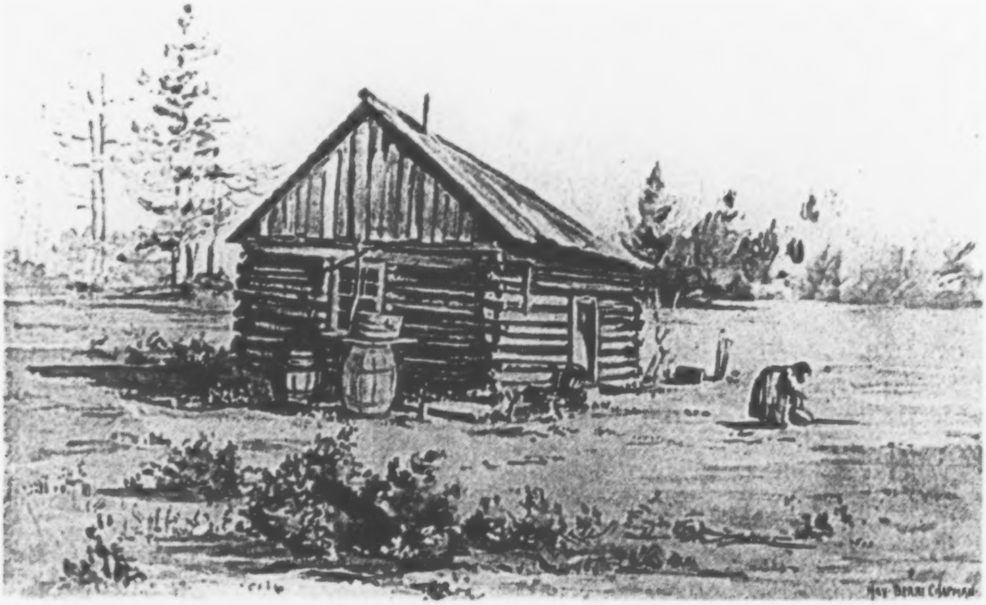
It is estimated the product this year will be 100 bushels of corn and 1,000 bushels of potatoes; they will cut 100 tons of hay, have made about 30 tons of sugur, and have gathered a large quantity of rice, berries, &c. They have also built 640 rods of fencing. It has been estimated that 364 have been brought directly under the civilizing influence of the farmer and teacher, and that 80 families are now actually engaged in agricultural pursuits . . . .

In closing this long report I would respectfully urge that the deficiency accounts for the years 1873 and 1874 receive your early attention. As we have covered into the Treasury nearly $4,000 of balance of appropriations not used, to July 1, 1875, it is hoped this matter may now be adjusted.

Respectfully submitted.

I.L. MAHAN,
United States Indian Agent.

Hon. E.P. SMITH,
Commissioner of Indian Affairs, Washington, D.C.



Log House of Native Construction. From Walter James Hoffman. "The Menomini Indians." Fourteenth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1892-1893. *Washington, DC: GPO, 1896, Part 1, Plate 16, p. 253.*

Report of Agent at Winnebago, Nebraska

WINNEBAGO AGENCY, NEBR.,
Ninthmonth 1, 1875.

RESPECTED FRIEND: In presenting my second annual report of the affairs at this agency . . . .

Those of the Wisconsin Winnebagoes who have remained on the reservation, and have taken allotments of land, are showing a disposition to provide for themselves. Quite a number have broken and fenced their land, and planted it in corn, which promises an encouraging yield. There is still a restless and dissatisfied spirit among some of them, and occasionally I hear of one who has left and gone back to Wisconsin . . . .

Very respectfully,

TAYLOR BRADLEY,
United States Indian Agent.

Hon. EDW. P. SMITH,
Commissioner Indian Affairs, Washington, D.C.

Report of Agent in Kansas

AGENCY INDIANS IN KANSAS,
Ninthmonth 10, 1875.

ESTEEMED FRIEND: In accordance with instructions from the Indian Bureau, I herewith submit my annual report for the year ending Eighthmonth 31, 1875.

The tribes in this agency are the Prairie band of Pottawatomies and the Kickapoo tribe of Indians.

Of the Prairie band there are about 450 persons present on the reserve and about 175 who are voluntarily absent in Wisconsin. The absentees are not enrolled for annuities, and receive no portion of the benefactions to which they would be entitled if present on the reserve . . . .

Thine, truly,

M.H. NEWLIN,
United States Indian Agent.

E.P. SMITH,
Commissioner Indian Affairs, Washington City, D.C.

Those Who Remained without Reservations

by Jason Tetzloff

The United States' policy of total Indian removal was incomplete, if not a failure, in Wisconsin. Most of the Indian tribes in Wisconsin were able to remain in the state, despite sometimes concentrated and even brutal efforts to remove them. Some of the Wisconsin Indian tribes were able to secure reservations in their treaty negotiations. Four bands of the Chippewas, for example, negotiated reservations in the Treaty of 1854. The Bad River, Lac du Flambeau, Lac Courte Oreilles, and Red Cliff bands each had a reservation from this date. In the Treaty of 1838, the Oneida nation negotiated for their reservation, although the land holdings ultimately were reduced in size. The Menominee and Stockbridge tribes negotiated for their reservations in 1856.

Unfortunately, other Wisconsin tribes were not as successful. Many lived on lands that non-Indians strongly desired, and refused to share. The Indians lost these traditional lands through land cession treaties. Efforts from local settlers and the government to remove Indians from the state were frequent and often cruel. If the townspeople felt that the Indians were being a nuisance, they pressured the governor, compelling him to make an effort to remove them. Major "round-ups" of these Indians took place in 1850 and 1874, but there were many other smaller, more local attempts to force the Indians out of a certain area. These efforts caused many of these Indians to seek refuge in inaccessible places where they were difficult to find, but these lands were usually poorer.

The Ho-Chunk (formerly Winnebago) Indians, who owned rich farmlands in the south-central part of the state, faced removal from the state because of the terms of the disputed Treaty of 1837. This treaty required that the tribe move west of the Mississippi River within eight months of the treaty's ratification, and removal for the tribe started in 1840. Despite the hopes of many non-Indians that the tribe would leave Wisconsin, many of the tribe members resisted the sometimes cruel efforts of both local and federal posses to remove them from their traditional homelands. When removed, many simply returned to Wisconsin. Despite the tribe's resistance, the U.S. government tried to force the removal of the Ho-Chunks over the course of another 35 years. The last major effort to remove the Ho-Chunks took place in 1874.

The Potawatomis faced similar removal efforts. Required by the Chicago Treaty of 1833 to leave Wisconsin, many members of this tribe simply refused to go. Part of the tribe fled north to the Forest County area, away from most non-Indian settlers, and lived on lands seldom desired by them. Some of the tribe who were removed to Iowa and then to Kansas returned to Wisconsin. The Potawatomis, like the Ho-Chunks, found it necessary to live in the central part of the state on sandy, poor quality land that was seldom coveted by non-Indians. There they could hide from the posses that, until 1874, often tried to round them up for removal.

Two of the six bands of the Chippewa Indians in the state were not able to gain reservations through treaty negotiations. The St. Croix band, which lived in the northwestern part of the state, and the Mole Lake band, which lived in the northeast, did not receive any reservation lands in the Treaty of 1854. These small bands lived in scattered communities in their particular parts of the state and generally escaped notice from non-Indians because they, like the Ho-Chunks and the Potawatomis, controlled few resources and little land of any value to settlers.

The Brothertown Indians, through an act of Congress in 1839, lost their tribal land base because their reservation near Fond du Lac was allotted among the tribal members.

This early division of Brothertown lands turned out much like later allotments under the General Allotment Act (Dawes Severalty Act) of 1887. The Brothertown allotments often passed into non-Indian hands, and though some tribal members kept their allotments into the 1880s, most of their land base was gone by this time.

Survival for these non-reservation Indians was usually difficult. Reservations were the focal point of government Indian policy, and most of the aid that Wisconsin Indians received, such as medical treatment and food provided under treaty stipulations, was available only on the reservations. The tribes who did not have a reservation were simply excluded from much of this aid, as limited as it was.

Before 1875, few if any of these non-reservation Indians owned land in Wisconsin. In March of that year, however, provisions of the Homestead Act were adopted in the state. This was due in part to public outcry over the brutality of the last Indian removal in Wisconsin in 1874. Under the new law, some of the non-reservation Indians bought small homesteads. Often these homesteads were concentrated in a specific area. For example, the Ho-Chunk Indians often purchased small parcels close to the Indian mission near Black River Falls in Jackson County. The Potawatomi Indians bought land mostly in two areas, Forest County and Wood County. Later, state and federal Indian homestead acts also allowed Indians to purchase land, though it is important to note that few of these non-reservation Indians could afford to buy any land. The land they could afford often was the marginal land where they had previously lived.

Reservation life in 1875, as described in fundamental 14, was not prosperous. Still, the reservations usually had schools, perhaps a hospital, and almost always a doctor on call. The Indian agent at the reservation was assigned to look after the tribal members' welfare on the reservation and could respond to emergencies with some resources. The Indians received the annuities, however small, owed to them for their land cessions at the reservation agency. It was also the location for the distribution of emergency food supplies. Those Indians who did not have a reservation did not have this support system, and the counties where these Indians lived were often not willing to offer any aid because local officials maintained that the Indians were the wards of the federal government.

The federal government, however, was reluctant to take responsibility for these non-reservation Indians. Even after the end of removal efforts in 1874 and the implementation of the homestead acts of the following years, the federal government was slow to act on their behalf, if at all. For example, Indian homesteads were to be non-taxable lands, yet when the counties taxed these lands, the federal government did not intervene and stop the illegal taxation. The result was that many of these homesteads were taken by the county for back taxes. Only because the plots were so marginal that no one else wanted them were the Indians allowed to remain, but they remained as squatters, not as owners.

After 1900, the federal government did step in to help some of the Indians who remained in Wisconsin without a reservation. The federal government purchased about 3,000 acres for the Wisconsin Ho-Chunk tribe in the early 1900s near the two main Ho-Chunk communities in the state, Tomah and Black River Falls. While held in trust status for at least 25 years, most of this land was allotted. The government never granted it reservation status, and ultimately a large portion of the land passed from Ho-Chunk ownership.

The Forest County Potawatomis received federal moneys to buy land during the period of 1910 to 1920, but unlike the Ho-Chunks, an executive order formally declared this land to be a reservation. While still poor, this tribe now had a small land base to call their own, with some of the benefits that a reservation offered.

The two non-reserved Chippewa bands obtained land only in the 1930s, when under Commissioner of Indian Affairs John Collier's Indian New Deal (see fundamental 19), a small amount of land was purchased near their traditional communities and given reservation status. Though much smaller than the other four Chippewa reservations in the state, these reservations nevertheless offered many benefits to these two bands, especially under the Indian Reorganization Act of 1934.

Despite strong lobbying efforts by non-reservation Indians in Wisconsin, three Indian groups still do not have reservations here. The Wood County Potawatomi, part of the Prairie Band of Potawatomi with a reservation in Kansas, reside near Wisconsin Rapids. (See fundamental 34 for a more detailed explanation) The Ho-Chunk Indians, who have several communities throughout the state, have some land held in federal trust, but the federal government does not officially consider their lands as reservation lands. Still, the tribe is buying more land to increase the size of their tribal land base, which should help them economically. The Brothertown Indians are currently seeking federal recognition of their tribal status.

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Copyright 1909 by A.J. Kingsbury, Antigo Wis.
Indian Basket Sellers.

Potawatomi basket sellers are depicted here in a 1909 photograph by A.J. Kingsbury of Antigo, Wisconsin. Courtesy of the State Historical Society of Wisconsin. WHi (x3) 35354.

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Fundamental 16

Indian Land Allotment and U.S. Citizenship

by Jason Tetzloff

Few questions in Wisconsin Indian history are as confusing as the status of Indians as citizens of the United States. Although the Indian Citizenship Act of 1924 made all Indians citizens, their previous status was not uniform. For example, the federal government granted the Brothertown Indians of Wisconsin citizenship in the late 1830s and offered the Oneidas of the state citizenship shortly thereafter. Members of other tribes such as the six bands of Chippewas in the state, however, did not all become U.S. citizens until the 1924 legislation.

What makes the question of citizenship so complex? Among other things, non-Indian views of the Indians in the state changed, as did federal policies directed towards these Indians. Treaties sometimes contained clauses that offered citizenship to Indians in return for their acceptance of allotment, the division of tribally held lands into individually owned parcels.

The founders of the United States simply did not count Indians as citizens in the formulas for representation. Most early politicians felt as Thomas Jefferson did, that while the Indians might be capable of eventually becoming good citizens, they were not yet high enough on the "ladder of civilization" to be citizens.

This view of Indians was pervasive throughout much of the United States' early history. One of the main reasons for this view was that the Indians clearly had a different perspective of the concept of land ownership. Indians considered their lands to be tribally owned. The Indian concept of land ownership did not include individually owned property. To be sure, the various Indian tribes knew which lands belonged to which tribe. This knowledge was essential to avoid skirmishes over hunting grounds. Still, within the tribe, members simply used the land that they needed for their gardens and personal needs. They did not feel that anyone owned the land, a concept that was almost inconceivable to Euro-Americans.

Also, many non-Indians did not see the Indians as farmers, but rather as nomads who lived by the hunt. Indians in the Great Lakes area often had summer and winter homes and ranged far in search of game. Many of these tribal members, however, were very successful farmers and major portions of their subsistence were from their gardens of corn, beans, and squash. Non-Indians felt that Indian tribes did not deserve to own these lands because they (the Indians) wasted them by not farming them the same way that non-Indians would, in small, fenced-in plots. Again, Jeffersonian ideals of the yeoman farmer prevailed and convinced many non-Indians that tribal members were not ready for citizenship.

Many non-Indians believed the solution to this problem was to radically change the Indian concept of land ownership. Instead of each tribe "owning" an area of land communally, the land would be divided, usually into 40- or 80-acre parcels, and each member of the tribe would receive a parcel called an allotment. This would accomplish several goals of the federal government and of local settlers. Allotment would force the concept of private property on the Indians because there would be no more tribal lands, just parcels that were now "owned" by an individual or a family. One historian called this process of converting the Indians to the concept of private ownership their "door to civilization," because allotment was viewed as a prerequisite to acculturation and citizenship. But allotment also freed tribal lands for non-Indian purchase, which satisfied local settlers.

In Wisconsin, as in other locales, the concept of allotment varied. The first time that Indian lands in Wisconsin were allotted, and, for that matter, one of the first times Indian lands were allotted in the United States, was in the late 1830s. It was then that the Brothertown Indians living near Fond du Lac had their reservation land allotted. This tribe had petitioned Congress to remain in the state because they were under considerable pressure from non-Indians who wanted them to be removed. Congress's solution was to allot the Brothertowns' land and to grant citizenship to those whose lands were allotted. This effectively dissolved the tribe, at least from the government's point of view, because not only were they now all citizens, but they also did not own any land as a tribal unit.

Starting in the early 1840s, other New York Indians were offered the option of allotment. Allotment, however, was seldom completely voluntary. The Stockbridge-Munsee Indian lands were allotted as a condition for them to remain in Wisconsin, not an uncommon stipulation in the era of Indian removals west of the Mississippi River.

The policy of allotment was very complicated for all involved, and it created financial problems that exist to this day. Generally, the allotment process worked as follows: first, the federal government established an accurate tribal roll so that the land could be divided equally. Next, the government surveyed the area to be allotted to determine how much land each Indian was to receive. In most cases, the head of the family received 80 acres and others in the family received 40 acres, but there was considerable variation in these amounts. The land was then allotted to the individual Indians.

There were few, if any safeguards for the Indians at first. Allotments could be sold and they were taxed, so many of the first allotments soon found their way into non-Indian hands, leaving those Indians that lost or sold their allotments virtually homeless. Indians were not accustomed to the concept of taxation, and many lost their lands through delinquent taxes. Fundamental 15 describes in greater detail the questionable legality of taxing these lands. Other Indians were swindled out of their allotments. To stop such abuses, the federal government placed the allotments in trust for a period of 25 years to help ease the Indians' transition as property owners. While allotments were held in trust, the Indians were not granted citizenship, nor could they use this land for collateral for credit, which was very important for farmers. Indian allottees had to wait until they received full title to their lands at the end of the trust period to receive these rights.

Allotment of New York Indian lands took place from 1836 to 1848, during the territorial days of Wisconsin, but statehood for Wisconsin in 1848 shifted the discussion of Indian citizenship to the state level. Wisconsin Indians who received allotments and lived apart from their tribes were no longer tribal members, at least in the eyes of the federal government. But what did citizenship for Indians mean in the state? Could they vote? Were they subject to all taxes? Politicians hammered out these questions in constitutional conventions held in 1846 and 1848.

The result of these discussions was that male Indians who were considered "civilized"—those who had adopted non-Indian ways and lived apart from the tribe—were eligible to vote. While this position suggests that any male Indian who lived off a reservation was eligible to vote, state officials adopted a much stricter view. State election laws granted the vote only to those male Indians who had accepted allotments, and who had full title to these allotments. This, of course, excluded most of the Indians in Wisconsin in 1848. They had to wait until the Indian Citizenship Act of 1924 to become enfranchised.

After Wisconsin became a state, the federal government made additional efforts to allot Indian lands. The Stockbridge Treaty of 1856 was one such effort. The Stockbridge-Munsee Indians technically were without any land in Wisconsin after an 1848 treaty in which they ceded their remaining lands in Wisconsin and agreed to remove to the Crow River area of north-central Minnesota. Yet their outright refusal to move forced federal officers to find a home for them in Wisconsin. The treaty designated a portion of the Menominee reservation for the Stockbridge-Munsee people in 1856, but it required immediate allotment of the land among the individual tribal members. Once again, allotment was the price that a tribe had to pay to stay in Wisconsin.

While the official state view designated only those Indians who accepted allotments as citizens, some events raised questions about the fairness of such a policy. For example, during the Civil War, many Wisconsin Indians, citizens or not, volunteered to fight on the side of the Union in the war. While Indians who were not citizens could not be drafted, recruiters, for the most part, welcomed them as volunteers. In Wisconsin and elsewhere many found themselves asking: Is it fair to allow Indians to fight for the country, without granting them some of the rights for which they fought? This question continued to be raised until 1924 because Wisconsin Indians continued to volunteer to fight for the United States in all subsequent wars. (See fundamental 23)

After the Civil War, the allotment of Wisconsin Indian lands escalated. While still not a rigid policy, it was increasingly applied in Wisconsin. The New York Indian lands continued to undergo allotment, while in the 1870s, attention turned to the Chippewa reservations of northern Wisconsin because of their vast pine forests. In that decade, the federal government surveyed most of these reservations, and allotment of Chippewa lands began in the 1880s.

In 1887, allotment became the official policy of the federal government with the passage of the Dawes Severalty Act. The provisions of the Dawes Act were similar to earlier allotment schemes in Wisconsin. Tribal rolls were to be taken, lands surveyed, and allotments made. In 1887 this act codified the protections that had evolved since the first allotments. No allotment could be sold for a period of 25 years, and the lands were not to be taxed during those years. As had been the tradition since the first allotments in the state, the Indians would not become full citizens until the end of the 25-year trust period, when they received full title to their allotments. At this point they would be taxed, and Indian allottees could sell their allotments.

While a few Indians complained about not being able to sell their land until the end of the trust period, it was generally Euro-Americans wishing to buy these lands who pushed for changes in this restrictive clause. Soon after the Dawes Act was passed, the federal government modified it to make it easier for non-Indians to buy allotments. Indians could appeal to the agent to let them sell for hardship reasons or an inability to work the land. Later revisions made this trust period even more permeable. On appeal by an Indian, and later by individual judgment, the agent could declare the Indian competent to handle his or her own affairs and then give the Indian, whether he or she wanted it or not, full title to the allotment, thus ending the federal trust agreement with the Indian and making him or her a citizen.

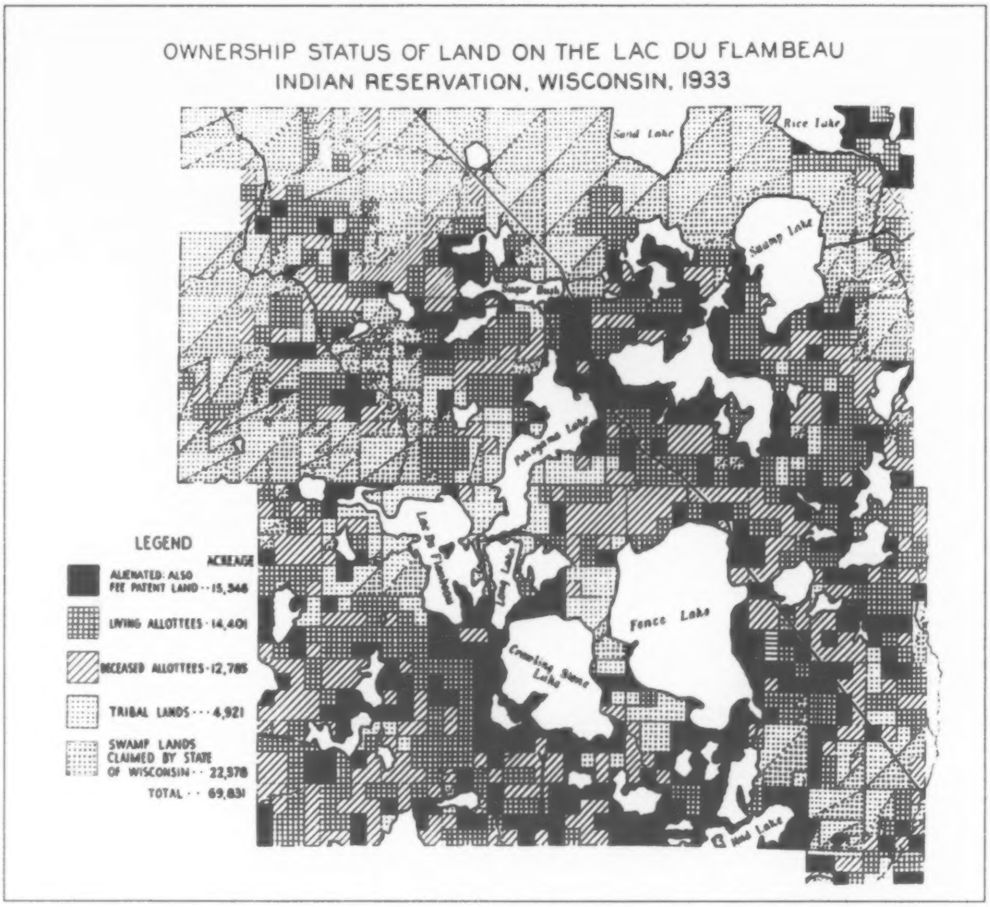
Often the Indians fought the end of trust status. The Oneida Indians, for example, asked in 1917 for an extension of the trust period until they felt that they could better handle it. They also wanted the extension so that they could protect their allotments from avaricious non-Indians. The Oneidas lost their appeal, and the government strengthened its policy to declare as many Indians competent as possible, whether they were ready or not for the end of trust status. Once declared competent, Indians often were somewhat reluctant participants in a very symbolic ceremony meant to show the end of their Indianness. During the ceremony, they shot a symbolic last arrow, grabbed the plow handle, and relinquished their Indian name. They received (presumably with a title to their land) a purse, which symbolized thrift, and other trinkets, which represented the non-Indian world in which they were now a full member.

Citizenship celebrations, such as the one depicted here, had an important role in the federal government's acculturation plans for Indians. Photograph by Frank B. Fiske. Courtesy of the State Historical Society of North Dakota.

The harsh reality of the allotment system was the loss of vast amounts of land for the Indians of Wisconsin. Nationwide, 90 million acres were lost through allotment, and Wisconsin Indians certainly lost their share. One only has to look at maps of the Chippewa reservations (see following page) to see how destructive allotment was to Indian ownership of a reservation. Allotments quickly passed out of Indian hands, resulting in a checkerboard pattern of land ownership. This further divided tribal holdings and made it more difficult for the tribe to effect any type of economic development.

After World War I the question of citizenship for Indian war veterans came up again. As they had since the early days of the territory, Wisconsin Indians again volunteered for military service in very high numbers. Though these Indians fought for their country, many of them were not citizens, and groups like the Society of American Indians were joined by many non-Indian civic groups to strongly lobby Congress to remedy this slight. As a result, in 1919, all Indians who fought in the war were offered citizenship.

While this act enfranchised more Indians, Wisconsin Indians that had not been veterans or received full title to their allotments were not yet considered citizens. Again, both Indian and non-Indian groups lobbied hard to correct this. Their argument was similar to the one used to push for citizenship for Indian veterans, but there was a strong feeling among these groups that citizenship would help the Indians become assimilated into the dominant culture. These groups were successful, and in 1924, citizenship was granted to all Indians in the country.


OWNERSHIP STATUS OF LAND ON THE LAC DU FLAMBEAU INDIAN RESERVATION, WISCONSIN, 1933

Sand Lake
Rice Lake
Swamp Lake
Sugar Bush
Pokegama Lake
Lac Du Flambeau
Fence Lake
Crawling Stone Lake
LEGEND
ACREAGE
ALIENATED: ALSO FEE PATENT LAND · · 15,346
LIVING ALLOTTEES · 14,401
DECEASED ALLOTTEES · 12,785
TRIBAL LANDS · · · 4,921
SWAMP LANDS CLAIMED BY STATE OF WISCONSIN · · 22,378
TOTAL · · 69,831

U.S. National Resources Board. A Report on National Planning and Public Works in Relation to Natural Resources Including Land Use and Water Resources with Findings and Recommendations. *Washington, DC: GPO, 1934, page 228.*

The Indian Citizenship Act of 1924 is very important for what it did, but it is also very important for what it did not do. In the act, Congress specifically states that the granting of U.S. citizenship in no way impairs the Indians' tribal citizenship or property rights. This means that Indians are able to maintain both their tribal citizenship and full U.S. citizenship. This dual citizenship became more important to Wisconsin Indians as they participated in the Indian New Deal of the 1930s (see fundamental 19), but also as the Indian revitalization movements of the 1960s and 1970s took hold. (See fundamental 30)

United States citizenship was slow to come to all Wisconsin Indians. It was originally granted only to those Indians who, often reluctantly, had their lands allotted. Though the awarding of citizenship was thought to be a "civilizing" force on Indians, it was seldom used in that manner. More often, the government used it as a way to wrest control of land from the Indians. Though reluctantly given, or painfully and expensively earned by Wisconsin Indians, after 1924, all Wisconsin Indians were finally citizens of the United States.

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The Status of the Indians in the Late 1920s

by Angela J. Firkus

In the late 1920s, the status of the Indians in Wisconsin and in the country as a whole was of great concern to the U.S. government. In 1926 and 1927, the Institute for Government Research (the forerunner of the Brookings Institution) conducted a survey of the economic and social condition of American Indians and prepared a report at the request of Secretary of the Interior Hubert Work. The survey staff was directed by Lewis Meriam and included as a member Henry Roe-Cloud (pictured here), a Nebraska Winnebago Indian. The report, issued to Congress and published in 1928, has become popularly known as the Meriam Report. Its detailed recommendations became a guide for government action for more than 20 years.

Additionally, on February 1, 1928, pursuant to Senate Resolution 79, Congress agreed to provide a general survey of the conditions of the Indians in the United States. This survey required that a subcommittee of the Committee on Indian Affairs hold hearings in certain states to gather testimony about the situation of Indians. In July of 1929, the subcommittee, consisting of Lynn J. Frazier of North Dakota; Robert M. La Follette, Jr., of Wisconsin; W.B. Pine of Oklahoma; Elmer Thomas of Oklahoma; and Burton K. Wheeler of Montana, held hearings in Wisconsin at Madison on the 8th, at Lac du Flambeau on the 10th, and at Hayward on the 11th. The main concerns of the Indian witnesses and of those who were concerned with the welfare of the Indians in the state were health care, conditions in the schools, general living conditions, and specific cases of fraud or neglect of protection. The following excerpts from direct Wisconsin testimony and the Meriam Report itself give insights into the problems Indians faced in the 1920s.

Henry Roe-Cloud, Nebraska Winnebago Indian. Roe-Cloud was a graduate of Yale University and of Auburn Theological Seminary. Photograph from the April-June issue of The Quarterly Journal of the Society of American Indians *in 1913, when Roe-Cloud was chair of the Society's Advisory Board.*

A description of the overall health of Indians in general is a part of the beginning of the Meriam Report.

The health of the Indians as compared with that of the general population is bad. Although accurate mortality and morbidity statistics are commonly lacking, the existing evidence warrants the statement that both the general death rate and the infant mortality rate are high. Tuberculosis is extremely prevalent. Trachoma, a communicable disease which produces blindness, is a major problem because of its great prevalence and the danger of its spreading among both the Indians and the whites.

The prevailing living conditions among the great majority of the Indians are conducive to the development and spread of disease. With comparatively few exceptions the diet of the Indians is bad. It is generally insufficient in quantity, lacking in variety, and poorly prepared. The two great preventive elements in diet, milk, and fruits and green vegetables, are notably absent. Most tribes use fruits and vegetables in season, but even then the supply is ordinarily insufficient. The use of milk is rare, and it is generally not available even for infants. Babies, when weaned, are ordinarily put on substantially the same diet as older children and adults, a diet consisting mainly of meats and starches.

The housing conditions are likewise conducive to bad health. Both in the primitive dwellings and in the majority of more or less permanent homes which in some cases have replaced them, there is great overcrowding, so that all members of the family are exposed to any disease that develops, and it is virtually impossible in any way even partially to isolate a person suffering from a communicable disease. (Meriam, et al., pp. 3-4)

Testifying at Madison on July 8, Dr. C.A. Harper, a state health officer of the State of Wisconsin, explained that Wisconsin Indians have the same health problems found in other Indian populations.

Tuberculosis is, in my estimation, one of the main factors responsible for the high death rate among the Indians, and as a condition precedent to that I would say malnutrition, improper housing conditions, and lack of proper facilities to isolate active cases of T.B. causing others to become infected, especially so when they are allowed to remain in the home under such conditions. The Federal Government has made no provisions for taking care of tubercular Indians in this State and the closest sanitarium we have is at Toledo, Iowa . . . .

The death rate among the Indians, tubercular I mean, as compared with the whites is very high, much higher in fact. I have the figures here: In round numbers it was about 440 per 100,000 in 1926 and 550 per 100,000 in 1927. The average death rate of whites in this State is 63.1 per 100,000, and the death rate of the Indians is nearly eight times that of the whites, which I regard as rather an alarming situation. I might say that in the Winnebago territory the death rate among the Indians is about eleven times that of the whites; the situation, however, with reference to tuberculosis among the Winnebagos is much higher; they are probably the poorest tribe of Indians we have. They have no reservation and are located in some 16 counties, as I remember. As I said before, the majority of them are poverty stricken, they live in the poorest kind of houses; sometimes two or three families are crowded into a small house with very little ventilation, and particularly is this true in the wintertime here. (U.S. Senate Committee on Indian Affairs, pp. 1878, 1879)

A.E. Germer, an attorney-at-law at Crandon, Wisconsin, found the same conditions prevalent among the Potawatomis.

I have been in quite a number of Indian homes around Crandon. Speaking of the homes built of these selected allotments, they vary in size [and] form, I would say, 12 by 16, 16 by 16, to 16 by 24; none of them have a foundation or cellar as a rule, one story high, and with very little protection against winter weather. They are boarded on the outside and ceiled on the inside, and are so constructed that they are very hard to heat. They are not

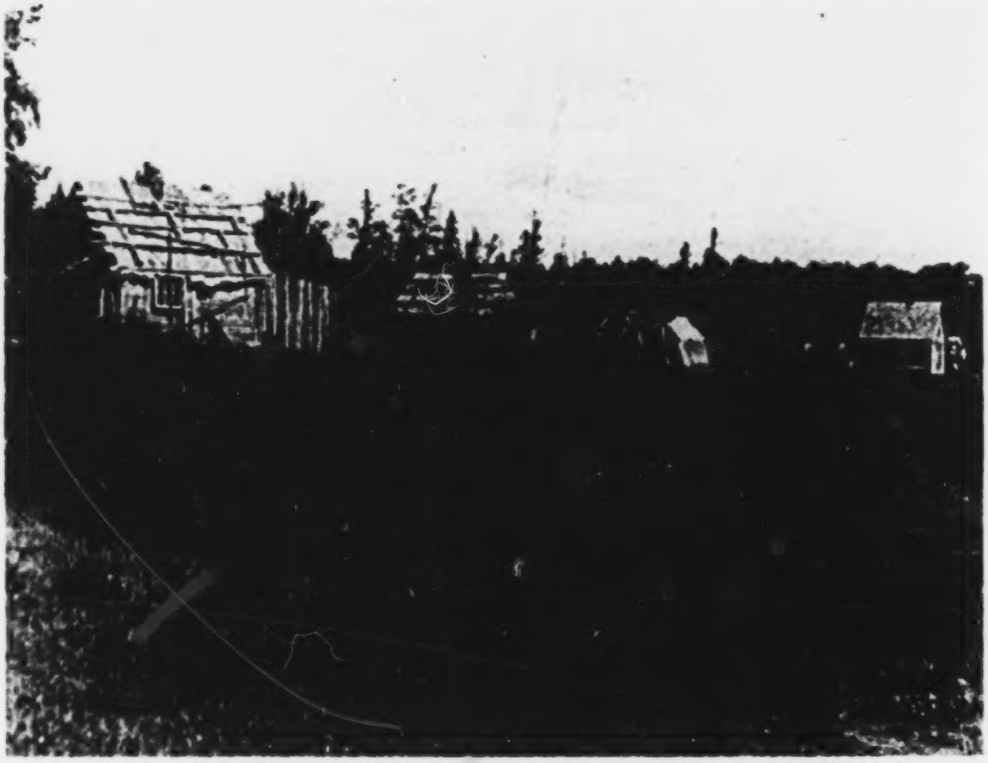
Lodging of a Chippewa family in Rice Lake in 1916. Courtesy of the State Historical Society of Wisconsin. WHi (x3) 36518

the best kind of houses by any means. I do not know of a single Indian who is making his living on one of these allotments; most of them make a living by picking moss and berries or cutting wood. Most of the counties are furnishing limited assistance to needy Indians, and it has become quite a burden, and it seems to me that the Government should do something. There are 11,000 acres of Indian land in the county that is not paying a cent of taxes, and it makes quite a drain on the county. The Indian land is not taxable for 20 years, and the county is spending a lot of money every year for the relief of the Indians. (U.S. Senate committee on Indian Affairs, pp. 1950-51)

Besides pointing out the living conditions and health problems of American Indians, the Meriam Report also critiqued the administration, or rather the lack of administration, of Indian affairs. The administration of Indian affairs, whether concerned with providing services or regulating the inhabitants, was in chaos. The Meriam Report, however, seems optimistic about the way that Wisconsin was handling its Indian affairs.

What Agencies Shall Render the Needed Service? The agencies at present doing active work are: (1) The National government, (2) the state and local governments, (3) the Christian missionaries, (4) certain national organizations of general scope such as the Red Cross, the National Tuberculosis Association, the American Child Health Association, (5) special organizations concerned with Indian welfare, and (6) social welfare agencies in urban communities to which Indians have come.

Although constitutionally and historically the care of the Indians is a function of the national government, some tendency toward the withdrawal of the national government from this field is apparent. A great increase, for example, has taken place in the number of Indian children in the state of local public school systems, although the federal government frequently pays tuition for them .... In a few states, notably California, Minnesota, Washington, and Wisconsin, the state governments have evidenced a growing sense of responsibility for Indian affairs. Their state departments concerned with education, health, and public welfare appreciate that it is a matter of grave concern to the state to have in its midst groups of people living below reasonable hygienic and social standards. To them the question of whether the responsibility rests on the state or on the national government is very properly being relegated to a minor place and the real question is being faced as to whether these inhabitants of the state are being fitted to be assets rather than liabilities. (Meriam, et al., p. 93)



A Chippewa Indian village in Vilas County in 1903. Courtesy of the State Historical Society of Wisconsin. WHi (x3) 27061.

The subcommittee hearings were not closed to non-Indians nor to those who may have been hostile towards the Indian population living near them. By listening to these people along with others, one sees how the Meriam Report may have reported an idealized version of administration that did not exist. The subcommittee hearings included a citizen in Lac du Flambeau who is concerned with a new school, from a doctor in Bayfield concerned with providing health care to Indians, and finally from the superintendent of Lac Courte Oreilles who has no idea who provides what services to the local Indians.

I would like to bring to the committee's attention the matter of our schoolhouse site. I was appointed as chairman of a committee the other night to find out whether land could be purchased for a schoolhouse site for the town. We have a schoolhouse at present but it has been condemned, there are 59 pupils in it and it is impossible for one teacher to handle that many. Now, what I want to find out is why a new schoolhouse is necessary. You understand that the Indians here pay no taxes and there are only 9 white children attending that school, the balance are Indians. This is a district school maintained by the taxpayers of the district and the school board I understand have voted to build a $20,000 school.

We do not deny that we need the school but we believe that the Government should build a school for the Indians on Tribal lands. In other words, we do not feel that the few white taxpayers here should be called upon to build a school for the Indians who pay no taxes. If it were not for the Indian children attending this school it could be fixed up at small expense and made suitable for the few white children attending . . . .

The Indians of course do not pay taxes; the Indians living within Red Cliff village don't pay taxes. Every tax certificate is turned delinquent to the county, nobody will buy these certificates, and consequently the white farmers have to bear the tax burden. Taxes are so high that they are now confronted with the proposition of closing one of the schools.

These Indians here are in bad condition physically due to disease because of the fact that they have had no medical supervision for years. The last 10 years they were on the reservation the Government had a contact physician to whom they paid $600 a year to go on the reservation one day a week. The Indians of course did not come in on the day set aside for them and did not propose to pay for treatment at other times and as a result he was doing all their work and dishing out his medicine all year for the small salary he was allowed . . . .

There is just one more thing I might mention in connection with the health problem; there are a great many Indian children attending our public schools, and they are our chief problem in health work; not only that but the burden of expense in educating these children is borne by the whites. These Indians live in town; their children have the same advantages as the whites, yet they pay no taxes. I am sure that not over 2 per cent of the Indians pay taxes. We feel that the Federal Government should assume the burden of taking care of the Indians whether they are wards of the government or not . . . .

But of that number [300] I would say that approximately 75 per cent of them are unable to provide medical care for themselves in emergencies, and some of them are charges upon the towns and county. Sawyer County has been very indulgent in taking care of the hospitalization and needs of these Indians. There is some sort of a dual arrangement between the State and the county on that, and I don't know just what portion is contributed by the town. (U.S. Senate Committee on Indian Affairs, pp. 1953, 2013-14, 2015, 2008)

* * *

Besides the question of who should or would provide health and education services to American Indians, there also was a problem with legal issues. Taxation was certainly one of them, with everyone having an opinion. But the question of who had legal jurisdiction in all matters was also largely unanswered.

The present situation with respect to the maintenance of order and the administration of justice among restricted Indians on the reservation is unsatisfactory. The United States courts have jurisdiction over them with respect only to certain crimes specifically designated by Congress. Other crimes and misdemeanors if punishable at all are under the jurisdiction of the Courts of Indian Offenses or of the superintendent if no such court has been established. In some instances the state courts have assumed some jurisdiction over restricted Indians, but generally they have withdrawn when their jurisdiction has been challenged. The situation has been briefly characterized by an Idaho court as "government in spots." (Meriam, et al., p. 743)

"Unsatisfactory" seems an understatement for the chaos that existed in Wisconsin's legal apparatus in regards to Wisconsin Indians. Providing testimony about the judicial mess are an attorney of Ashland County and the district attorney of Vilas County.

> We, of course, have really no jurisdiction to prosecute Indian cases arising on the reservation but we do; for instance, a murder was committed in the month of April, this man was killed one night by two Indians and we apprehended them, tried, and convicted them of the crime. The United States Government sent a man in there to investigate it a month or so after the crime was committed, this man I believe came from the bureau of investigation in Minneapolis . . . .
>
> Several years ago I recall of taking up with the United States district attorney the matter of prosecution in a murder case, the Jim Bell case; and they refused to have anything to do with it and insisted that the State had jurisdiction. I do not recall the United States attorney's name at this time; it is quite a long time ago. Lately, the Government, according to Mr. Everest, absolutely refused to take any part in prosecutions of criminal actions arising on the reservation and deny jurisdiction and insist that it is wholly a function of the State, except that they will pay a little attention to violations of the liquor laws on the reservation. (U.S. Senate Committee on Indian Affairs, pp. 1976, 1979-80)

What the survey staff for the Meriam Report and the Committee on Indian Affairs found in the late 1920s was shocking indeed. Health care, education, general living conditions, and economic status of American Indians in general and Wisconsin Indians specifically, were far below acceptable standards. On top of that, the administrating apparatus that was supposed to be working to rectify the situation was not helping. Not only was government "in spots," but health care, education, employment, and law enforcement was as well.

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Biographical Case Study: Excerpts from the Autobiography of a Winnebago Indian Woman Mountain Wolf Woman (1884-1960)*

Mountain Wolf Woman. Photograph from the Speltz Studio, Black River Falls. Used with permission.

Returning to Wisconsin

It was about the time that my older sister Bald Eagle was born that they went to Nebraska.[1] Mother used to say they were taken to Nebraska that winter; they were moved from one land to another. Many Winnebago were moved to Nebraska and there mother took her three children. Grandmother had relatives in Nebraska. Grandmother was the oldest daughter in her family. In Nebraska she saw her sisters, the second and third daughters. They were very eager to see their relatives. But, mother said, some of the Wisconsin Winnebago did not like the removal. Some even cried because they were taken there. However, mother used to say, "The fact that we would see my relatives made me happy that we were going. And when we reached the Missouri River, our uncles came to meet us. When they heard we were coming, Squeaking Wing and Captures The Lodge and a third uncle Hagaga came to meet us."[2]

As their uncle Squeaking Wing came through the train he called out, "Bends The Boughs, where is she? Bends The Boughs, where is she?"[3] At last he found them and there was much rejoicing when they saw one another. Brother Crashing Thunder was dressed in a fringed buckskin outfit, and when my uncles saw him they lifted him up in the air and they said, "Oh, how cute our nephew is!" Eventually they arrived at the reservation.

It was winter. Everyone had his own camping outfit, and they all made their homes here and there. They built wigwams. Then spring came and mother said that the Winnebago died in great numbers. Deaths occurred almost every day. When someone died, the Winnebago carried away their dead, crying as they walked. All those who had a death in the family cried as they walked along. They were going to the graveyard, and there was much weeping.

Mother was frightened. "Why do we stay here?" she said. "I am afraid because the people are all dying. Why do we not go back home?" They were with some uncles at the time. The first was called Good Village, the next was called Big Naqiga and the third was called Little Naqiga.[4] In the spring they moved to the Missouri River where they cut down some big willow trees and made dugout canoes big enough for two, mother said. She must have been talking about fairly big boats that they made. There in the spring when the weather is very pleasant, mother used to say, a large group went down the

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* These excerpts and this photograph are from *Mountain Wolf Woman, Sister of Crashing Thunder: The Autobiography of a Winnebago Woman* by Nancy Oestreich Lurie. Copyright © by The University of Michigan 1961, renewed 1989 by Nancy Lurie. Published by the Univ. of Michigan Pr. Used by permission (pp. xxi, 2-5, 14-16, 133-34). Endnotes accompanying the text are reprinted at the end of the fundamental.

Missouri River. Thus she returned home with some of her relatives. They went down the Missouri to River's Mouth Place as they used to call St. Louis. From there they traveled back on the Mississippi River, they traveled upstream on the Mississippi.

Eventually they stopped at a certain place where they saw some white people. Nobody knew how to speak English, so they said, "Where is Henaga? Where is Henaga? He is the only one who knows the name of that place." They meant Captures The Lodge, who was just a little boy. When they brought him they said to him, "Say it! Say it!" He was the only one who knew that one word, and he said, "Prarsheen? Prarsheen?" I guess he was saying "Prairie du Chien." Then the white people understood him, and said it was Prairie du Chien. They stopped there for a while and eventually they left and arrived at La Crosse. They lived there for a time and then they moved out towards Black River Falls.

It seems that many Winnebago came back to Wisconsin. My family were evidently not the only ones who returned. Also, some of the Winnebago in Wisconsin lived way out in the country a great distance from any town. These people said that they had not been found so they did not go to Nebraska, mother said. Thus, not all the Winnebago left in the removal.

It must have been at this time that my parents took up land, that is, a homestead. Some of them acquired homesteads there at Black River Falls.[5] However, father was not interested in such things. Even when they were in Nebraska his brother said, "Register, older brother, claim some land for yourself and claim some for your children." But father did not do it, so they did not have any land in Nebraska. Mother and her uncles did not take any land, but some of the Winnebago took land in Nebraska so they had property, but eventually they sold it.[6] However, my parents did not realize what they were doing and that is why they acted as they did. Some of the Indians took homesteads but father did not understand so he did not take a homestead. That was when my mother took a homestead. There was an old man who was a grandfather to us who took land. His name was Many Trails. I used to see him; he was a little old man. He said to my mother, "Granddaughter, why do you not claim some land? I claimed some and if you take a homestead right next to me, then we can live beside each other." So mother took forty acres.

Indians did not look ahead to affairs of this sort. They never looked to the future. They only looked to the present insofar as they had enough to sustain themselves. This is the way the Indians used to live. The fact that my father did not care to obtain any land was because he was a member of the Thunder Clan. "I do not belong to the Earth," he said, "I do not belong to the Earth and I have no concern with land." This is why he was not interested in having any land.[7] But mother was also one, one of the bird clan people; she belonged to the Eagle Clan.[8] She said, "By this means we will have some place to live," and so she took forty acres. Here my father built the log house where we usually lived.

Subsistence Patterns

When I was small the Winnebago generally went to pick cranberries after they were through taking care of their gardens.[9] We used to do that too. When we arrived at the marsh there were many Indians who camped together there and picked cranberries. The men used rakes and the women picked by hand. As the women were picking and they reached the edge of the ditch, they all sat on the edge of the ditch in a long row, side by side.[10] They picked ahead of themselves in a straight line, a bushel-sized box at each woman's side. They would put aside as many boxes as they thought they would fill so they would not run out of boxes. They left their boxes as they filled them, and if you looked down a line you could see the row of filled boxes. As they filled each box they took along another empty box. At noon they went back to the camp to eat.[11] Some people even brought their lunches along and ate there at the marsh. I used to think it was great fun when we took food and ate outside.

That is what people did in the fall. They were making money to save. When they finished there they went deer hunting. They were trying to earn money for themselves and they probably earned quite a bit but I did not know what they were earning.[12] The women used to pick into a big dishpan and when it was full it was emptied into the box. We children used to pick too. We used small pails. Wherever mother sat, I used to sit next to her and I would pick cranberries. When I filled the pail I emptied it into mother's bushel box. My sister did the same thing on the other side of mother. That is what I used to do.

When we were there a peddler of general merchandise often came around. When he said the word for a white man's shirt, he would say, "sorot." He was a white man with black hair and black mustache and he did not know how to speak English.[13] When this peddler came they would all call out, "Oh, sorot is here!" They used to call him sorot.

The Indians were making money and that is why they used to come around and sell things. Somebody came around selling pies. I used to think that was very nice. Mother often bought things from these peddlers and then we used to eat pie. After all, the Indians were using campfires outside and could not bake pies and cakes, and so they had a bakery shop there at the marsh.

That cranberry picking place is gone now. Iron Mountain Marsh they used to call it and I do not even know the English name for it. That cranberry marsh no longer exists because at one time a big forest fire came through there. When the people fled they said that they had to put the old people in the ditches. They could not flee with them in time so they put the old people in the water in the ditches. I believe the marsh ceased to exist at that time. The entire stand of cranberry bushes was burned up.

After cranberry time they went on the fall migration to hunt deer. That is what we always did, we went traveling to hunt deer. At that time my father did not have to buy any deer license. They never used to pay for such things. When they went deer hunting the white people did not spy on them. That is how it used to be at that time. They killed as many deer as they deemed necessary. We used to travel a certain distance east of Neillsville where there used to be a woods. There were not many white people around at that time. That is where we used to go in the fall. That is where we used to live and almost immediately the hunters used to bring in deer. They wrapped the deer in autumn leaves and carried the deer on their backs. As they were approaching you could see the red leaves moving along here and there, as they came home with the freshly killed deer. Just as soon as we arrived, the first day, they always brought home game. It was always this way. Sometimes they even used to bring in a bear.

Four or five households of Indians migrated to this area where they built long wigwams; my father and my brothers, also my brother-in-law Cloud, and another brother-in-law Little Naqiga as well as their relatives, and sometimes our uncles came there too. Our family was large enough to require a two-fireplace wigwam. We lived in a rush wigwam. My grandmother and my mother made our house of cattail matting. The wigwam was covered with mats of cattail stalks. The inside of the house was never smoky. I suppose that was because it was properly made.[14] It was very pleasant to live in a rush wigwam. My older sister White Thunder and my brother-in-law Cloud lived next door, but they lived in a large round wigwam. Another person who lived in a big round wigwam was Cloud's brother who was called Big Thunder.

Medicine Dance and Gathering Slippery Elm at Wittenberg

We left that place and arrived at Wittenberg. We had a grandfather there whose name was High Snake and he lived in a big log cabin. We stopped there and my father went off to get those two dear little old men. They were very old men. It was their son[15] who lived at the place where we stopped. The old men lived at another place and my father went there for them. One was called Good Snake and the other was called Fear The Snake Den. He soon brought them and they began to make preparations at grandfather High Snake's place. They cut trees for lodge poles and hauled them back in a big horse-drawn wagon. There they set up a long lodge. They built a medicine lodge. On the east side where the sun rises they completed it and sang upon reaching that end. My older sister White Thunder and my older brother Henaga were initiated into the lodge and I imagine that is why we went there. Evidently father's uncles told us to come there, and because they were old men we went there.

They had the paraphernalia for a medicine dance so the medicine dance was held there. They held the medicine dance as soon as we arrived. During that time Indians came there to Wittenberg from various places. The Indians were real Indians![16] Some of them brought wagons and some of them let the horses back-pack their belongings. Some of them arrived riding horseback. There were many Indians and they held a medicine dance. We were gathered there in a big group.

When they finished the medicine dance somebody said, "About this time they usually peel and dry slippery elm." They used to tie it in a bundle and white people bought it. They paid a good price for slippery elm. "All right," father said, "we can do that. We are a big family and thus we will be able to eat." That is what they did. Mother and her young ones put up a tent next to grandfather's home and we lived there. Those who were strong went away some place with a wagon and some household goods. Where the trees were very dense they stopped and they asked for the slippery elm from the white people who owned the woods. They called it slippery elm; it is something like the elm tree. They asked, "Could you not give that kind to us so that we can make something to sell?" The white people said, "Help yourself, do whatever it is that you are talking about."

Then they walked about and looked at the trees and wherever they saw a slippery elm they skinned it. They cut the bark from the base of the tree and pulled it loose up to the very top of the tree. Then they slashed it off and it fell down like folding cloth. The trees were easily peeled. Even one tree produced a lot of bark. They measured the bark with their arms and cut it to that length. They made piles big enough for a person to carry on his back and when they had a load for everyone they started back to wherever they were camping. The women peeled off the outer bark with jackknives. They made drying racks and hung up all the bark. They dried a lot of bark and tied it in bundles. In a short time they made many bundles. Only the drying took a long time. They took the bundles to some town where the white people bought slippery elm.[17] They used to come and visit those of us who were living at home and bring us food. Then they went away again to the big forest where they traveled about gathering slippery elm. Today they no longer do that. Today the white people who have timber land keep it for themselves. Years ago it was not that way and the white people used to say, "Help yourself, do whatever it is that you are talking about." They looked for slippery elm and they prepared it to sell. Whatever the situation they always found something to do and were able to obtain food for themselves by such methods. Whatever the circumstances, the Indian is always doing something useful.

Dispossessed at Black River Falls

There was an empty house that my husband bought and dismantled. They brought back the lumber and my husband built a little shack.[18] We used to live there. He built a garage too. We lived on some land we intended to buy. They said it was forty acres and we said that we would buy it. That is why he built the house there. There was a white man and one time he said to my husband, "I bought this land. I am going to sell my land all in a parcel. I bought this land too." I got so mad. I hated him. I really hated him. I said, "You have lived here a long time. Whatever land you were going to buy, it would seem that you would have bought it long ago. And now you have bought this land." I said this to that white man. So we took our house apart and moved across the way onto county land. There my husband rebuilt the house and we lived there. Later we lived on mission land.

Building a House

It was April 24, 1936, that my husband died. We told the undertaker,[19] who took him and brought him back. They buried him in the mission cemetery. In the evenings I used to think as I sat there, "Maybe this is not happening to me. Maybe this is not happening to me. Maybe he did not die." Children of mine died. My relatives died, father and mother. My older sister died. But it was never as hard as when my man died. "Maybe I am having a bad dream," I thought. I would pinch my arms to see if I were awake.

Then the doctor came. He used to come and see my husband when he was sick. He came there and said to me, "Have them dismantle this house and build it someplace else. Your husband had double pneumonia and tuberculosis set in. That is what he died of. Tear down the house and build it over. You have a lot of small children. Don't stay in this house."

So, one time I was sitting on the roof of the house with a hammer. The roof was covered with tarpaper and I was trying to get it off. A car came by and then it turned back. It was one of my nephews and another young man. "What are you doing, auntie?" he said.

"This house has to be taken apart to move some place else. I am supposed to get it rebuilt. I am trying to get the roof off."

"Oh, auntie, we will do that for you," he said, and they got out of the car and started to work.

They took the whole house apart. They stacked the boards. They went home in the evening and they came back early in the morning. They took everything apart and piled the boards on top of each other. They said, "Aunt, where are you going to have them build the house?"

"Well, let it be on the mission grounds," I said. They told me that it was partly government land. "Put it there," I said, and pointed out the spot to them and they hauled the boards over there. They certainly did me a great kindness.

Then I went to town to the lumber company and I said to the owner, "I get a little money once a year. How would it be if I would charge some doors and some windows?"

He said, "You aren't supposed to help yourself. Go to Harry Perry, he'll tell you."[20] He must have telephoned him. I went there to Harry Perry. He is dead now. I told him, "I am supposed to take the house apart and build it some other place."

"Oh, they'll do that for you," he said. "Don't try to help yourself. They'll do that for you." Then he sent word to the agency. He made a telephone call to the agency. The next morning the agent and another man came. "How big a house do you want?" they said.

Across from the airport[21] there was a little square house. I told them that I always like that house. It was not too big and it was not too small. "I have a lot of little children and when my married children come back with their families I am crowded. Two of them with their children come home to visit. I used to be crowded. That square house is just about the right size. I like that one." They went to look at it. They said I was right, that house was the right size. They made my little square house. There was no one around who could build houses, so the Indian boys got together and made the house. They finished it for me and I am living there today. That is how I got the house where I live.

Endnotes

1. The Winnebago ceded their homeland, which comprised most of southern Wisconsin and the northwestern corner of Illinois, in the course of three treaties with the government in 1829, 1832, and 1837. The tribe maintained that the last treaty was signed under duress, was misrepresented to them, and was signed by unauthorized tribesmen. Part of the tribe felt that they were outnumbered and outarmed and the best course was to submit to the terms of the treaty. They accordingly moved to a reservation in Iowa, but in 1846 were moved to another reservation in northern Minnesota. In 1855 they were again forced to cede their land and were moved to a reservation in southern Minnesota where they exhibited a remarkable willingness to become acculturated and accept a farming economy. They anticipated receiving patents in fee to plots unofficially distributed among the families by their agent. However, the Sioux uprising in Minnesota in 1862 was used as an excuse to force their removal from their improved lands although as a group they had taken no part in the uprising. They were taken to Crow Creek in South Dakota in cold weather and suffered great hardships and reduction in population. Fearing for their lives they fled down the Crow Creek to the Missouri River in dugout canoes. Eventually, most of them settled among the Omaha in Nebraska. In 1865 they were allowed to exchange their Crow Creek land for a reservation in Nebraska along the Missouri River where about half of the tribe is presently enrolled.

Meanwhile a part of the tribe consistently resisted efforts to remove them from the contested Wisconsin land involved in the treaty of 1837. Despite four removals by armed troops they always returned, their ranks swelled by dissatisfied members of the treaty-abiding faction. The last attempt to remove the Winnebago was made in 1874, the removal discussed by Mountain Wolf Woman.

2. The train stopped at Sioux City, Iowa, some distance east of the reservation where local Winnebago boarded the train to greet their kinsmen and ride the rest of the way with them to the reservation. The separation of families into reservation and nonreservation enclaves was a common occurrence and even today a great deal of visiting, intermarriage, and residence shifts occur between the two groups.

3. This is the name of Mountain Wolf Woman's mother.

4. These names could also be translated as Older Naqi and Younger Naqi, the former being the fourth son and the latter the fifth son. Occasionally people were known only by their sex-birth order names and Mountain Wolf

Woman could supply no other names for these uncles.

5. After the removal of 1874 the government stopped trying to keep the Winnebago out of Wisconsin and allowed them to take up forty-acre homesteads which were to be tax-free and inalienable for twenty years. Most of these homesteads have passed from Indian ownership through sales or tax default and the remaining ones are of little use agriculturally since they have been divided into ever smaller parcels through inheritance over several generations. The land itself was for the most part rather poor and the Wisconsin Winnebago used the homesteads as headquarters where they planted gardens but which they abandoned for long periods to hunt, trap, or gather wild foods. Often they found the timber stripped from the land by whites during their protracted absences. Gradually, the Wisconsin Winnebago formed settlements of a few dozen to several hundred people near white communities throughout central Wisconsin from Wittenberg on the east to La Crosse on the west. The settlements are located on mission lands, government lands, or lands bought or rented by the Winnebago.

6. Allotment in severalty was carried out on the Nebraska reservation some time after the removal of 1874, but enrollments were made as early as 1865 with the understanding that this land would be secured to the Indians without further removals. Hence the advice of Mountain Wolf Woman's uncle to her father to register and assert his claim to Nebraska land.

7. This argument was frequently voiced by members of the Thunder Clan who felt that land matters were the exclusive concern of Bear Clan people who would act in the interests of the entire group.

8. Although the Winnebago ideally practiced both clan and moiety exogamy, this account indicates that the custom was not always observed as early as the 1860s. Both of Mountain Wolf Woman's parents belonged to the upper or bird moiety although they were of different clans.

9. That is, after the harvest and storage of garden produce.

10. The description of gathering cranberries is inserted here from a later recording. Mountain Wolf Woman decided to describe the seasonal cycle in detail after realizing that she had discussed a few of the seasonal food activities and omitted others, hence the frequent insertions of data in this chapter.

Although the Winnebago had picked cranberries for many years to sell to white people, by the time Mountain Wolf Woman was a child, cranberry marshes were already being operated on a commercial basis by white owners who hired Indian laborers. The description of the work requires clarification. Formerly sections of marshland were drained off into ditches and became sufficiently dry for men to go through and rake the berries into containers and for women to sit on the ground gleaning berries after the raking process. This was the technique described by Mountain Wolf Woman and had been developed originally at the cranberry marshes in Massachusetts. About 1920 it was discovered that the Wisconsin cranberries, unlike those on the east coast, could remain in the water without harm right up to the time of harvesting from late September through October or until "freeze up time." The growers now surround sections of marsh with dikes, each section connected to the next by a water gate along the course of a creek. The water level in the marshes can thus be controlled and the harvest work is done entirely by men who wade through the water in hip boots. The berries are raked off the vines with a toothed scuttle implement and loose berries are caught in it as they float on the surface of the water. In this system women sort the harvested berries prior to shipment. However, this source of income is diminishing in importance for the Winnebago since machine operations have generally replaced hand labor since about 1950.

11. Informants ten or more years older than Mountain Wolf Woman recalled that in their early years the Winnebago still followed the tradition of eating only a morning and an evening meal. I believe that the change from two to three meals a day may be attributed to the fact that the Winnebago began to find employment as laborers for white farmers both in Nebraska and Wisconsin and took their meals with the farm families. Habits learned at boarding schools no doubt reinforced the change.

12. This statement illustrates a recurrent theme, concern for precision of amounts, distances, directions, and size. Mountain Wolf Woman is saying, in effect, that she must have

been very young not to know exactly how much was earned.

13. A Jewish peddler.

14. Today when wigwams are used for ceremonies they sometimes become very smoky and the older people make a point of chiding the younger people that they are losing the art of building wigwams. A number of younger people have said that wigwams were always smoky and that the older people have just become accustomed to living in houses where stovepipes carry off the smoke from wood-burning ranges.

15. The term "their son" is a literal translation. In English, he would be their nephew. Among the Winnebago, siblings of the same sex call one another's children by the same terms they call their own sons and daughters. Rattle Snake, mentioned somewhat later in this chapter, is another brother of the two old men, while a fourth brother, Snake Chief, was High Snake's real father. High Snake's own name is literally "Lies High," but because it is a Snake Clan name, it is always translated into English as High Snake.

16. When Mountain Wolf Woman made this statement there was a tone of nostalgic affection in her voice, recalling a group that is long since gone, who dressed and behaved in traditional Indian fashion.

17. Slippery elm bark is a laxative and was bought from the Indians by wholesale drug suppliers.

18. The English term shack is used to describe a small, one-room dwelling which is not a wigwam. It does not carry derogatory connotations.

19. The English word undertaker was used in the Winnebago text.

20. This incident is an interesting example of the complicated relationships among the Wisconsin Winnebago, the federal government, and local white people. The nucleus of the Winnebago community at Black River Falls consists of a square of four forty-acre sections of land. One hundred and twenty acres belong to the Evangelical and Reform mission while thirty-nine acres in the northeast corner of the square belong to the federal government. This was an old Indian homestead lost through tax default. A single acre was bought by an Indian family but the rest of the land remained unused for many years except for shacks built by Indians under the impression that they were on mission land where they were allowed to build dwellings. As a result of the depression of the 1930s, the federal government and Jackson County entered into an agreement whereby the land was given to the government if housing was provided for the Indians. The Indian Bureau then arranged for laborers from the Indian community to build Indian houses. Coincidentally, Mountain Wolf Woman chose to build on this land after the death of her husband and though she initiated the work and provided some of the lumber her house was the first one finished under the new provisions. The arrangements between the county and federal government were apparently known to the lumber dealer to whom Mountain Wolf Woman went to buy doors and windows. He referred Mountain Wolf Woman to the county judge, Harry Perry. Judge Perry acted in an unofficial liaison capacity between the Indians and their agent out of a sense of personal concern for the Indians. After Mountain Wolf Woman's house was built, two more dwellings in the same style were built beside it. Thirteen additional houses were built according to a different floor plan which included partial basements. None of the houses has plumbing. Water is supplied by government pumps located between every three or four houses. Electricity has been available since 1949 and the Indians have paid the cost of running lines to their houses although occupancy changes are administered by the government. Because Mountain Wolf Woman supplied most of her own lumber and began her own building, she feels that she has a firmer title to her house than do the other Indians and thus resents being placed in the same category. Her final comment in this chapter reflects a common opinion about white officialdom. Generally the Winnebago have enjoyed friendship of a paternalistic and helpful nature from many influential white people in the area such as the late Judge Perry, Dr. Eugene Krohn who advised Mountain Wolf Woman to air out her house by rebuilding it, and Thomas Roddy mentioned in an earlier chapter.

21. A small private airport on the outskirts of Black River Falls.

The Indian Reorganization Act of 1934

by Donald Lee Parman

During the New Deal, Wisconsin Indians participated in the most dramatic policy reversal since the passage of the General Allotment Act of 1887. Although the Indian New Deal brought a diverse array of programs such as the Civilian Conservation Corps (CCC) and the Works Progress Administration (WPA), the Indian Reorganization Act (IRA) of 1934 became its central feature. This legislation attempted to replace allotment and assimilation with greater toleration of Indian cultures, economic self-sufficiency, and self-government. While these goals remained only partially realized by the time the country entered into World War II, the impact of the IRA continues until the present.

John Collier

The IRA was largely the handiwork of Indian reformer John Collier. A native of Georgia, Collier had served as a social worker among European immigrants in New York City and briefly as a director of adult education in California before 1920. A strong opponent of the contemporary drive to "Americanize" immigrants, Collier's effort to implement cultural pluralism met with mixed results. Nevertheless, he carried the same philosophy into Indian reform activities during the 1920s. His extensive visits to reservations and lobbying activities during the decade prompted Collier to recognize that allotment and assimilation had demoralized Indians, destroyed their economic base, and severely damaged their cultural heritages. Collier's appointment as Indian Commissioner in 1933 gave him a unique opportunity to undo past injustices and to reform Indian administration.

After launching the CCC and several other emergency programs during his first months in office, Collier turned his attention to a major revision of Indian law in late 1933. Representatives of several Indian reform organizations met in Washington in early 1934, with Collier and Secretary of Interior Harold Ickes in attendance. After discussing current Indian problems, the meeting approved resolutions calling for an end to allotment, the consolidation of land holdings, the creation of tribal governments, and abolition of current reservation courts. In the same period, Collier met various subordinates and Nathan Margold and Felix Cohen, Interior Department attorneys, and drafted the reorganization bill. In February 1934 the 48-page measure was introduced in the Senate and House.

The Bill and Initial Hearings

The bill, divided into four titles, proposed a drastic revision of federal administration of Indian affairs. Title I permitted Indians to form tribal governments with various powers, including the chartering of business corporations. The second title endorsed the belief that Indian education should prepare students to hold jobs in the Bureau of Indian Affairs (BIA) and to preserve their heritage. The third title repealed allotment and authorized a system of land consolidation by giving Indians shares in tribal lands rather than individual titles. Title IV called for a new system of Indian courts based on traditional Indian law, but with the right to appeal decisions to regular federal courts.

The hearings before the House Committee on Indian Affairs revealed considerable opposition. Critics viewed the provisions as a mistaken blow against assimilation that would isolate Indians and destroy their past progress. The admittedly strong powers authorized to achieve land consolidation also raised objections by committee members devoted to private property rights.

In the midst of the House hearings and before the Senate committee had really started its deliberations, Collier and his top assistants left Washington and took the bill to ten regional Indian congresses where they explained its provisions and responded to questions. Representatives from Wisconsin Indian communities, along with those from Minnesota and Michigan, attended the final congress at Hayward on April 23-24, 1934. Collier had already returned to Washington where he filed some 30 amendments before the Senate Indian Affairs Committee, and Assistant Commissioner William

Zimmerman, Jr. presided over the Hayward meeting.

The Hayward Congress

Of the 176 Indian delegates at Hayward, 73 represented Wisconsin bands or tribes. The Chippewa groups included Red Cliff, Bad River, Lac du Flambeau, and Lac Courte Oreilles. The Oneidas, Stockbridge-Munsees, Forest County Potawatomis, and Menominees sent representatives. Three non-reservation groups—the St. Croix and Mole Lake Chippewas, and the Ho-Chunks (known at that time as the Winnebagos)—also attended.

With few exceptions, the Wisconsin Indians badly needed a "New Deal." Most had been decimated by unwise allotment of tribal lands and the loss of timber resources. The Oneidas near Green Bay offered a graphic example of deprivation. Following their allotment in 1892, the Oneidas had lost approximately 95 percent of their land, and by 1930, 80 percent of the Oneidas received public assistance. In general, the depression worsened Wisconsin Indians' already precarious situation by reducing further their income from fruit and vegetable picking, sales of handicrafts, and jobs in lumbering.

As happened at other congresses, the Hayward delegates supported the reorganization bill, but some also recognized that it did not respond to their most pressing needs. After Zimmerman's explanation of the bill, he assured the Indians that the government did not want to force it on them. Delegates afterward raised questions on such matters as acquiring land for non-reservation Indians, regaining holdings earlier lost in tax sales, and the problems of young Indians qualifying for educational benefits when BIA schools failed to equip them properly. The most pressing concern, however, was the Chippewa delegates' insistence that their treaties gave them the right to hunt and fish free of state regulation on lands the tribe had ceded by treaty. As one Chippewa emphasized: "The contention of the Indian always has been that if he sold the ground, he did not sell the game." In discussing this matter, the Chippewas asked if the reorganization bill jeopardized their treaty rights, and why the measure failed to guarantee them exclusive jurisdiction over land and water they once owned.

Obviously BIA spokespeople found the issue of hunting and fishing rights disconcerting. Walter Woehlke, a key Collier assistant, could only respond that the discussion of treaty rights was getting into "deep legal waters" and leading nowhere. Woehlke and others repeatedly stressed that the reorganization bill would not reduce Indians' existing rights, but this failed to satisfy the Chippewas' demands that their treaty rights be recognized. As one recent analysis suggests, the Hayward discussions show that the Indian delegates and BIA personnel were not so much at odds as they were speaking past each other. The Indians saw the sessions as an opportunity to broach their most pressing needs and to learn how reorganization would affect them. Collier's staffers, however, viewed these concerns as secondary in importance, and their main interest involved in "selling" reorganization to the delegates and demonstrating to Washington that Indians supported the proposal.

Senator Wheeler's Opposition

After Collier's return to Washington, the Senate committee began its deliberations on the reorganization bill. Several of the committee's objections paralleled those raised in the House hearings, but Chairman Burton K. Wheeler of Montana additionally questioned the Indians' competence to manage their own affairs. Wheeler warned that Congress would never allow tribes to spend federal funds without government oversight. The Senate committee's opposition threatened to block passage during the current session. Alarmed at that prospect, Collier won the support of the White House for immediate passage, and he and Zimmerman met informally with the House and Senate committees to save the essential parts of the bill. The forceful Wheeler made extensive changes in the original bill and pushed it through his committee. In presenting the revised measure to the Senate floor, Wheeler stressed that the compulsory features had been removed. With few changes in the Senate or House, the bill became law on June 18, 1934.

What remained of the lengthy and carefully drafted provisions of the original bill? Certainly the format and length differed tremendously. Instead of 48 pages organized under four titles, the final act ran five pages divided into nineteen sections, and the extensive powers assigned to tribal governments were reduced to a single paragraph. Two changes were especially important. The special Indian courts were omitted, and land consolidation was made voluntary (and thus ineffective).

Self-Rule and Incorporation

The act, however, retained sufficient strength to serve as an instrument of self-rule. It repealed allotment, and it permitted tribes to constitute themselves as federal municipalities by first approving the IRA in a referendum and then drafting a constitution and bylaws that had to be approved in a second election. The resulting tribal governments could negotiate with federal, state, and local governments, veto property transactions, and review BIA budgets. Another important source of authority was the statement that tribes could exercise "all powers vested in any Indian tribe or tribal council by existing law . . . ." This open-ended provision, along with Collier's forceful administration of the act, greatly enhanced the authority of tribal governments.

The IRA also allowed tribal governments to form corporations for various purposes. By obtaining one-third of adults' signatures, tribal governments could draft a charter of incorporation. If approved by referendum, the corporation could borrow money from a revolving credit fund, make loans to individuals, conduct businesses, buy and sell property, and so on.

Acceptance by Wisconsin Tribes

The IRA originally gave the BIA only a year to stage the referenda required to approve tribal governments. (An amendment to the act in 1935 extended the one year requirement and also stipulated that abstentions could no longer be tallied as votes for adoption.) IRA field agents soon appeared among Wisconsin tribes and bands to explain the potential benefits and to conduct the elections. Although BIA officials claimed that the Indians should decide freely, both IRA field agents and agency personnel waged aggressive campaigns to secure favorable votes. All of the Wisconsin bands and tribes approved the IRA, but the Lac Courte Oreilles and Ho-Chunks did not draft and approve constitutions. Both groups came under the IRA during the 1960s. The Menominees, who had formed a tribal government in 1928, never actually organized under the IRA. All of the groups who formed tribal governments in the 1930s also chartered themselves as corporations.

Because the BIA supplied IRA field agents with copies of a model constitution, the tribal governments in Wisconsin closely resembled each other. The constitutions all defined membership in the group and procedures for adding individuals to tribal rolls. Interesting variations appeared in establishing the "Governing Body," but most elected a general council that met once or twice a year. An executive or business committee headed by the tribal chair or president transacted tribal affairs between meetings of the general council. Some of the constitutions outlined numerous "Enumerated Powers" the tribes could exercise, but others listed only a few. The most essential of these included a tribe's right to

- negotiate with local, state, and federal governments.
- employ legal counsel.
- veto the sale, lease, disposition, or encumbrance of tribal land.
- assign tribal lands to individuals and remove nonmembers from the reservation for cause.
- review proposed budgets.
- delegate authority to subordinate groups.

A good portion of the enumerated powers, however, were subject to the approval of the Secretary of Interior. An even more restrictive feature was the stipulation that the secretary could veto any ordinance passed by the tribal governments. Self rule was definitely a variety of guided democracy. The constitutions and bylaws also dealt with such matters as amendment, recall, quorum requirements, and meeting times.

Funding and Land Use

Until scholars complete detailed investigations of IRA governments' operations, any evaluation of self government among Wisconsin Indians must remain tentative. The free-wheeling nature of the Indian New Deal also complicates assessments. Collier tended to treat groups who rejected the IRA much as he did those who formed tribal governments. Moreover, the BIA constantly mingled funds from its regular appropriations with money from CCC, WPA, and other emergency agencies. In acquiring land, for example, the BIA made purchases under the IRA, but it also used funds from the Resettlement Administration and other sources to buy land. Most importantly, superintendents influenced the fate of IRA governments. While some agency heads cooperated with IRA governments, others used their superior knowledge of administrative procedures and their control over emergency jobs to dominate the inexperienced tribal leaders.

In its attempts to create self-sufficiency, the BIA adopted two major approaches in Wisconsin. For Indians without property, the government sought to acquire land and distribute it in small family plots of 20 acres or less. The Indians could then grow foodstuffs for their own consumption and hopefully produce vegetables and fruit for commercial sale. The BIA elsewhere tried to improve fishing conditions and to attract more non-Indian fishing enthusiasts and tourists. This, in turn, would increase the employment of Indians as guides, lead to rental of tribally owned cabins, and result in greater sales of handicrafts. Lac du Flambeau, Lac Courte Oreilles, and Bad River were targeted for this second approach.

If the Oneidas' experiences were representative, the IRA and the other New Deal programs marked an improvement in conditions but fell short of total success. The institution of the IRA government under Morris Wheelock and Oscar Archiquette overcame years of factionalism that had paralyzed earlier tribal organizations. By 1939 the federal government had repurchased 1200 acres of land, and the Oneida business committee assumed responsibility for assigning small plots to families. In the meantime, "New Deal homes" replaced many of the dilapidated log cabins. The housing program provided a well for each homestead that replaced Oneidas' dependence on distant and often unsanitary springs. The Oneida Language and Folklore Project, funded by the WPA, produced the first modern study of Iroquoian language and became a special source of pride for the Indian community. The project influenced the Oneidas' bicultural and bilingual educational programs in the 1970s. All of the programs offered employment to the hard-pressed Oneidas.

Unfortunately, existing evidence seems too sparse and impressionistic to give a full picture of how the IRA and other New Deal programs affected Wisconsin Indians. Many obviously benefited directly or indirectly from the various emergency relief programs, but they continued their seasonal jobs as pickers of fruit and vegetables whenever possible. Government land purchases proved important to several groups. The Stockbridge-Munsees received 2,250 acres after forming an IRA government, and new homes and reforestation followed. The landless St. Croix and Mole Lake Chippewas also received lands for the first time. These and other acquisitions were, however, marginal or submarginal and allowed for a bare subsistence. They did not begin to replace the lands lost after allotment.

Seeds for the Future

If the IRA and the Indian New Deal did not radically improve conditions, they at least offered some benefits. Federal programs softened the most harsh impacts of the depression and prepared the Indians for a brighter future. New Deal job experience, for example, proved invaluable when the economy revived during World War II and outside employment opportunities opened. The IRA governments themselves offered a training ground for future leaders. Tribal leadership after World War II became much more knowledgeable about BIA administrative procedures and increasingly insistent about such matters as hunting and fishing rights, equal opportunities, and protection of cultural identity. These trends had their origins in the IRA governments formed in the 1930s.

Further Sources of Information

Indians at Work, a BIA publication, provides a good deal of information on the IRA, the CCC, and other New Deal programs. Ronald N. Satz's article, "'Tell Those Gray Haired Men What They Should Know': The Hayward Indian Congress of 1934," from the *Wisconsin Magazine of History*, offers a perceptive discussion of the proceedings. John Collier's background and career are covered in Kenneth R. Philp, *John Collier's Crusade for Indian Reform 1920-1954*. The best analysis of the reorganization bill and the IRA itself is Vine Deloria, Jr. and Clifford Lytle's, *The Nations Within: The Past and Future of American Indian Sovereignty*. Also important is Graham D. Taylor's, *The New Deal and American Indian Tribalism: The Administration of the Indian Reorganization Act*. Apparently the only work which addresses the New Deal era for any Wisconsin tribe or band in any depth is Laurence M. Hauptman, *The Iroquois and the New Deal*. All of the Wisconsin IRA constitutions, bylaws, and charters are included in George E. Fay's, ed., *Charters, Constitutions and By-Laws of the Indian Tribes of North America, Part II: The Indian Tribes of Wisconsin (Great Lakes Agency)*.

Tribal Responses to the Wheeler-Howard (Indian Reorganization) Bill of 1934

*Resolutions of the Oneida Nation of Indians of Wisconsin in Opposition to Any New U.S. Legislation Affecting Indians**

Route 2 WEST DEPERE, WIS., *April 18, 1934.*

Senator B.K. Wheeler,
Washington, D.C.

MY DEAR SENATOR: Enclosed find resolution adopted by the Oneida National Council, the governing body of the Oneida Nation of Indians of Wisconsin, and one of the Six Nations Confederacy.

This resolution indicates their true intention of adhering to the terms of the existing treaties via Fort Stanwix, Fort Harmar and Canandaigua.

They do not wish to adopt any new acts of Congress at the present time.

Thanking your honorable assemblage for any expression of good will, we are,

Cordially yours,

SACHEM O. SMITH ET AL.,
Executive Secretary of the Oneida, Nation of Indians.

March 13, 1933.:

RESOLUTIONS OF THE ONEIDA COUNCIL

We, the undersigned sachems, chiefs, and headmen of the Oneida Nation, one of the Six Nations Confederacy, in council assembled at the council house on the Oneida Reservation do hereby resolve:

1. That the Oneida Nation hereby firmly adheres to the terms of the Treaty of Canandaigua between our Nation, our confederacy and the United States of America of date November 11th, 1794. That such Nation desires to keep the peace and the friendship therein provided for and looks steadfastly to the Federal authorities in Washington to keep their part of such treaty.

2. That the laws of the United States, the acts of its Congress and the customs and the usages of the Oneida Nation are the controlling provisions of Oneida basic law and the Federal officials the exponents of such basic law and the guides for the sachems, chiefs, headmen, and warriors of such nation.

3. That any acts of the State of Wisconsin, through its officers, courts or legislature contrary to the above are without sanction of law and repugnant to the Nation of Oneida Indians.

4. That this resolution is a deliberate and lawful act of the Oneida Nation, that the same is placed upon the records of such Nation for the rest of time, and that copies of the

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* U.S. Senate. Committee on Indian Affairs, *Hearing on S. 2755, To Grant Indians Living Under Federal Tutelage the Freedom to Organize for Purposes of Local Self-Government and Economic Enterprise*, 73d cong., 2nd sess. (Washington, DC: GPO, 1934), part 2, p. 396.

same be sent to the friends of the Oneida people everywhere for their information and guidance as to the wishes of those people.

SACHEM OSCAR SMITH (0-slo-eh)

Signer	Indian name	Clan
Oscar Smith, Sachem	O-slo-eh	Turtle
Chiefs		
Henry Doxtator	Tsi-gni-sen-telon	Do. [ditto]
Martin Williams	De-ga-no-das	Do.
Abram Ninham	Gah-la-do-lon	Do.
Chauncy Doxtator	Ha-da-wa-gon	Bear
George Doxtator	Dah-wen-ga-la-gwen	Do.
Albert Webster	On-na-gleet	Wolf

I, Oscar Smith, Secretary of the Oneida Nation of Indians of Wisconsin, one of the Six Nations Confederacy of New York, do hereby certify: That I have compared the foregoing copy of a resolution with the original filed in the record of the Oneida Nation on the thirteenth day of March 1933 and now remaining therein and that said copy is a true transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto subscribed my name and have affixed the seal of the Oneida Nation this thirteenth day of March 1933.

OSCAR SMITH [L.S.],
Executive Secretary of the Oneida Nation of Indians.

*Statement of Ralph Fredenberg, Representing the Menominee Tribe**

Mr. Fredenberg: I am a member of the Menominee Tribe, quarter-breed. I am here representing the tribe as a delegate by popular election. I have represented the Menominees in this capacity for about 10 years.

Senator Thomas of Oklahoma: Speak a little louder, as there are many people here who would like to hear what you have to say.

Mr. Fredenberg: I would like to briefly state what benefits the Menominees hope to obtain under the operation of this Wheeler-Howard bill.

Senator Thomas of Oklahoma: Will you tell us, please, where that tribe is located and what the conditions are?

Mr. Fredenberg: The Menominee Reservation is located in north-central Wisconsin. It comprises 233,000 acres and has a timber stand of about 800,000,000 feet. The Menominees are located on land where the white man first found them, a portion of the original habitat. We have never been allotted. Our property is all in communal ownership. There are about 2,000 Menominees.

Senator Thomas of Oklahoma: Do you live on the reservation?

Mr. Fredenberg: Yes, sir; in 1908 the senior Senator La Follette introduced a bill in Congress that set up on our reservation a modern sawmill. The Indians, from 1870 to 1908, had been logging and selling the timber to outside operators, floating it down the river and in other manners getting it to the outside mills; but in 1908 the Senator came to Wisconsin and visited with the Menominees for a period of about a week, and he suggested the possibilities of creating a commercial industry there and making it possible for these people to become competent mill operators as well as competent loggers, which they were at that time.

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* U.S. Senate. Committee on Indian Affairs, *Hearing on S. 2755, To Grant Indians Living Under Federal Tutelage the Freedom to Organize for Purposes of Local Self-Government and Economic Enterprise*, 73d cong., 2nd sess. (Washington, DC: GPO, 1934), part 2, pp. 110-19.

The La Follette Act was the result of this conference, and it was probably the first scientific forestry act that ever came through this Congress. It provided for the selective cutting of timber, meaning that only the grown, ripe, fully mature timber would be taken.

In the report made by Senator La Follette at that time he especially stressed this point—that he hoped that under that law we could preserve that which the white people surrounding us had completely destroyed. The Indians, in the conference with the Senator, asked that some method be applied under this law so that they would be permitted to log as long as there was any reservation there; that is, over a long period of years, by this selective-cutting method.

The plant in connection with that law was also to be an educational institution and one from which the Menominees would benefit financially. From 1909 until within the last year the Indians have had nothing to say about the operation of this plant.

Senator Thomas of Oklahoma: Who operated it?

Mr. Fredenberg: The Government operated it, but under various managers and various appointees.

Senator Thomas of Oklahoma: Under the Indian Bureau?

Mr. Fredenberg: Under the Indian Bureau. There is nothing in the Civil Service regulations that provides for an examination for a manager. In other words, a man that had a good political pull might go in there and get the job. It was a desirable position. It paid a good salary and the requirements were not very high as to qualifications. Anyway, the Menominees were exploited over this period of years and were not given a chance to do anything on their own. A year ago, however, an Indian foreman has been on the reservation. Within the last year, under this administration, we have had Indian foremen placed in each department.

It was not necessary to send these fellows to school or give them any more practical experience than they already had; but the policy of this administration was to go out and pick fellows that had the ability within the tribe and they were put in the responsible position of foreman. We hope that within a very reasonably short time we will have a hundred percent of our industry operated by Indians. We employ about 300 men in our logging and in our milling operations.

Senator Thomas of Oklahoma: There is no legislation required to enable you to have a hundred percent Indian supervision and help in this particular industry, is there?

Mr. Fredenberg: Yes; there is. The provision of the 1908 act says that Menominees shall be employed insofar as practicable. Under the operation of that phase in the past our experience has been that Indians were not employed because the manager did not think it was practicable.

Senator Thomas of Oklahoma: If the Indian Office should say it was practicable, that would end the difficulty, would it not?

Mr. Fredenberg: That did not seem to make any difference. We have had the Indian Office post up notices around the reservation.

Senator Thomas of Oklahoma: But suppose the Indian Office should select an Indian manager or someone who had the viewpoint of the Indians; then the Indian manager could employ Indians for the positions?

Mr. Fredenberg: There is no law required for that. However, there is a loophole in the present law where it would be possible—

Senator Thomas of Oklahoma: That is under the construction of the Indian Office that a white man is more satisfactory to them than an Indian, which I do not agree with. I have your viewpoint on the matter entirely.

If the Indians are competent, which they are in your case, they ought to manage their affairs as fully as they are capable of doing, and if they are sufficiently capable they should manage them entirely.

Mr. Fredenberg: I am only giving you this information because I think I will be able to enlighten you as to the reason why we are especially interested in one phase of the Wheeler-Howard bill.

Under the act of 1908, for a period of 16 or 18 years, the Government went in there with white employees and they destroyed about 26,000 acres, denuded it of timber completely, and then burned the brush and refuse that was left. We protested here over a period of several years, asking that they follow the provisions of the law, but we got no satisfaction nor recognition.

Senator Thomas of Oklahoma: You have an Indian agency there, have you not?

Mr. Fredenberg: Yes.

Senator Thomas of Oklahoma: Did your tribesmen protest to the agent against the destruction on this tract of ground?

Mr. Fredenberg: We did.

Senator Thomas of Oklahoma: But no attention was paid to it?

Mr. Fredenberg: Nothing. In 1927 they finally recognized the provision of the law, and they have started now what they consider to be selective cutting, and in this selective cutting we employ Menominees entirely. The Indians cut out the lumber and timber themselves.

If we were to get the benefit of the Wheeler-Howard bill that provides that the Indians might set up their own form of organization, might form their own self-government, that would secure for us in the future the thing that we now enjoy. When we first set up and operated our own mill we had Indians in every responsible position.

Senator Thomas of Oklahoma: Supposing that the Indian Office should pick out a competent Indian to be supervisor of that agency and filled every position in the agency with Indians. Then the superintendent would appoint a foreman of the sawmill and the foreman would appoint Indians to run it; do you not believe that under the law the Indian Bureau could give you full control over your properties so that you can run them as you see fit?

Mr. Fredenberg: I think they could; but are we secure in the belief that they would? Are we secure in the belief that we would have similarly sympathetic administration in the future? That is the thing we fear.

Senator Thomas of Oklahoma: Then it reverts back to the viewpoint of the Indian Office?

Mr. Fredenberg: Entirely.

Senator Thomas of Oklahoma: Do you think that would be changed if you had some legislation on the matter?

Mr. Fredenberg: I think under the provision of this bill, which allows us to set up our own system of self-government and our own system of incorporation, or whatever we might make, which would be a cooperative organization prescribed by legislation, we would be secure and we would be able to hold and protect this property.

Senator Thomas of Oklahoma: Supposing that the next administration comes along and does not have the viewpoint of the present administration which is entirely sympathetic with the Indian—and I agree to that and approve of it—but assuming that they did not; then they would come in and presume to tell you what to do and perhaps do it for you, if you did not have as sympathetic an administration as you have now. Is not that possible?

Mr. Fredenberg: That is possible.

Senator Thomas of Oklahoma: Then we cannot control the matter by legislation unless we entirely divest your tribe of Indians from the control by the Bureau in

Washington. So long as they have this control, you are likely to be at any time interfered with as you have been in the past, as I see it.

Senator Frazier: That is why you are for this bill. It will give the Indians something to say about their own situation instead of leaving it up to the attitude of the Bureau?

Mr. Fredenberg: That is the thing we want. That is what we would like to accomplish.

Senator Thompson: What portion of the bill gives you that authority?

Mr. Fredenberg: The self-government title, I understand, will give us the authority to organize and to submit a charter.

I recollect very distinctly that when the last administration came in there were a number of letters written to the chairman of the committee here setting forth the need of allowing Indians to organize, and we felt that something would be done under that administration, some proposal would be offered that would answer this thing that everybody recognizes is a need of the Indians—the right to govern their own lives and work out their own destiny. But while we got some very encouraging letters, and the attitude of everybody seemed to be to give the Indian that thing, nothing has been done. This is the first move I know of of any significance and that at least is working toward some method by which the Indian could get the thing he desired.

Senator Thompson: Can you give me an idea of how you operate, as to your schools, and so forth, and how you live; whether you live in tribal relations or whether you live in separate families?

Mr. Fredenberg: We live very much as any other community does. We have our own schools. We operate everything on our reservation out of our own funds, and we have about $1,600,000 in the treasury. We have never cost this Government any money. We maintain our entire life out of our own tribal funds. We have our own milling industry, and we hope to be able to do that continuously. Some of our people are in the lumbering industry and some of them log; others work in the mill, and a large portion of them follow agriculture. They have farms, dairy herds, and modern machinery; not all of them, but a great number of them.

Senator Thomas of Oklahoma: How many members are there in the tribe?

Mr. Fredenberg: Two thousand.

Senator Thomas of Oklahoma: What percentage of them are what might be termed "full-bloods"?

Mr. Fredenberg: Not over 20 percent.

Senator Thomas of Oklahoma: Are there many that are of your type, if I may use that word?

Mr. Fredenberg: Yes; I think there are quite a number of them.

Commissioner Collier: In whom is the title vested in the case of individual farms?

Mr. Fredenberg: There is not really any title. I do not know of any vested title. We have a sufficient amount of land so that anyone can farm, unless they go over and start farming on somebody else's land. They are perfectly at liberty to farm. We have 233,000 acres, and about 90,000 acres of that is timberland.

Senator Thomas of Oklahoma: Supposing a young Indian desires to start his own home. What does he do ordinarily if he wants to farm?

Mr. Fredenberg: He would go out and pick out a location.

Senator Thomas of Oklahoma: How much would he be allowed to select?

Mr. Fredenberg: As much as he wanted to handle. I do not know of any farms any larger than probably 200 acres.

Senator Thomas of Oklahoma: Does he make a designation to the Indian Office?

Mr. Fredenberg: He goes to the Indian Office and designates the location of this land and starts to clear and starts farming. Nobody questions it.

Senator Thomas of Oklahoma: Then the possession from then on enables him to keep that land and use it as his own for his uses?

Mr. Fredenberg: Yes, sir. Then in the event of his death his heirs would receive the benefit of the improvements, which would be the buildings, the fences, and things like that. There is no title in the land itself.

Senator Thompson: I would like you to go a little further than that and tell us about your schools. Do you have schools?

Mr. Fredenberg: We have our own schools, Senator. That is, we have centers that are operated under the direction of the Department of the Interior, under the Educational Department.

Senator Frazier: Are they Indian schools or public schools?

Mr. Fredenberg: Both Indian and public.

Senator Thomas of Oklahoma: How many white people live on this reservation?

Mr. Fredenberg: I would say that at our industrial center we probably have 60 or 70 families, and down around the agency we have probably 20 or 30 families.

Senator Thomas of Oklahoma: Do you have more than one school building?

Mr. Fredenberg: We have four schools right at this time.

Senator Thomas of Oklahoma: How many teachers?

Mr. Fredenberg: In the two large schools I assume there are probably 15 teachers in each school, and we have a small public school. I might mention that we have 3 parochial schools and 1 public school.

Senator Thomas of Oklahoma: In the Indian schools proper, the schools that are most attended by Indians, how many Indian teachers do you have?

Mr. Fredenberg: I do not believe we have any Indian teachers.

Senator Thomas of Oklahoma: How do you account for that?

Mr. Fredenberg: I don't know that I can account for it.

Senator Thomas of Oklahoma: Do your Indian boys and girls go through your schools.

Mr. Fredenberg: They do, but of course our situation is this, that they have no further education available to them past the eighth grade.

Senator Thomas of Oklahoma: You have no high school?

Mr. Fredenberg: We have no high school on our reservation.

Senator Thomas of Oklahoma: And your Indian boys and girls—

Mr. Fredenberg: Are obliged to go elsewhere and furnish their own funds.

Senator Thomas of Oklahoma: Do they do that?

Mr. Fredenberg: Oh, yes.

Senator Thomas of Oklahoma: Do they complete college-teacher courses?

Mr. Fredenberg: No; we have not had any of them that completed the college courses or higher education.

Senator Thomas of Oklahoma: Then you are not complaining at the fact that you have no Indian teachers, for the reason that your own people have not qualified?

Mr. Fredenberg: They have not qualified.

Senator Thomas of Oklahoma: Don't you think they ought to qualify?

Mr. Fredenberg: I think they should. I think there should be a way for them to obtain higher education.

Senator Thomas of Oklahoma: I agree with you.

Senator Frazier: This bill will provide for that, will it not?

Mr. Fredenberg: Yes. This would give us a chance so that we could have available to ourselves some of our tribal funds that might be used in higher education.

Senator Thomas of Oklahoma: If you had charge of the reservation you would have the funds to establish a high school, at least?

Mr. Fredenberg: I think so.

Senator Thomas of Oklahoma: You think you would do that, too, don't you?

Mr. Fredenberg: Certainly.

Senator Thompson: You have given us some information as to the schools, which are small in number. How many children attend? What proportion of the children attend school?
Mr. Fredenberg: All of them.
Senator Thompson: They all attend?
Mr. Fredenberg: Oh, yes; they all attend.
Senator Thompson: It is compulsory to go through the eighth grade?
Mr. Fredenberg: Yes, sir. Some of the advanced students go outside to high school, right outside the reservation. They board, or some of them drive back and forth. We have two boys working their way through the Wisconsin University, working during the summer and then working their way through the university, in forestry.
Senator Thompson: Two boys out of about what number?
Mr. Fredenberg: Oh, possibly out of a student body of 500.
Senator Thompson: Do you have the right of franchise there?
Mr. Fredenberg: Yes, sir.
Senator Thompson: You have a vote?
Mr. Fredenberg: We maintain our own voting precinct. We get no aid from the county. It is all voluntary. We have three voting precincts on the reservation, and the Indians conduct the polling places.
Senator Thomas of Oklahoma: How many votes are cast in those three precincts, as a rule?
Mr. Fredenberg: About 530 or 540.
Senator Thomas of Oklahoma: Both Indians and whites?
Mr. Fredenberg: Yes, sir.
Senator Thomas of Oklahoma: Are the polling places managed by Indians or whites or mixed?
Mr. Fredenberg: Entirely by Indians in each precinct.
Senator Thomas of Oklahoma: Have you ever been in trouble in connection with elections?
Mr. Fredenberg: No, sir.
Senator Thomas of Oklahoma: You ought to be complimented.
Senator Thompson: Is the population distributed over the entire tract, or nearly so?
Mr. Fredenberg: Nearly so, not entirely. Some of the area is covered by pretty heavy timber, and there is really nothing for an Indian to do in there. There is no chance to farm. But they are scattered over the cut-over area largely, and in the agricultural land, outside of the two villages we have. Our agency is in one and our milling development is in the other.
Senator Thompson: If an Indian had a tract of land himself, could he sell timber to a white man and let the white man go in?
Mr. Fredenberg: They are not allowed to sell it. It is held in tribal ownership, although they can cut and take timber out of the woods that they need for building their homes. They do that.
Senator Thomas of Oklahoma: What kind of timber have you?
Mr. Fredenberg: Hardwoods and pine and hemlock.
Senator Thomas of Oklahoma: What kind of hardwoods?
Mr. Fredenberg: Maple, birch, basswood, elm, oak, beech. We maintain at our logging outfit 3 locomotives and about 5 miles of steel. The locomotives and all of our machinery are operated by Indians.
Senator Thomas of Oklahoma: Is that your own railway?
Mr. Fredenberg: Yes, sir.
Senator Thomas of Oklahoma: Do you operate it successfully?
Mr. Fredenberg: Yes, sir; very successfully.

Senator Thompson: Are there any of the full-blood Indians of equal education with yourself?

Mr. Fredenberg: Yes, sir.

Senator Thompson: That is all I wanted to ask, Mr. Chairman.

The Chairman: That is all.

Mr. Fredenberg: Thank you Mr. Chairman.

Commissioner Collier: Might I point out in connection with Mr. Fredenberg's testimony an interesting juxtaposition of the situations up there? There are three reservations, and they are far apart: The Menominee, the former Oneida Reservation, and the so-called "Bad River" or Odanah. The Oneida Reservation was allotted and substantially all of that land has gone from Indian ownership.

When I was there a few months ago the Oneidas came down to see me and explained their really desperate situation.

The Bad River situation was also allotted, but not fee patented as at Oneida. The Bad River Reservation as a result is now partly Indian, but is completely checkerboarded; it is a crazy quilt, and the loss of the balance of the land is only a matter of a few years. The Menominees asked [sic] an allotment and have not lost an acre.

Senator Thompson: How did they lose the lands which you say they have lost?

Commissioner Collier: By this operation of the heirship scheme.

The Chairman: It was not entirely by that, was it?

Commissioner Collier: There was some fee patenting, but it was not universal on the Bad River Reservation. Of course, during the Lane period there was a good deal of forced fee patenting up there, too. But it was the operation of the heirship sales. For 10 years we have been cutting down—

Senator Thompson: Under the bill you have here, with that heirship proposition, if the same policy were followed as has been followed in Wisconsin, the title might and necessarily would pass from them to the white population entirely by their being able to buy and wanting to buy at the time they put up the land for sale in order to cut out the heirs?

Commissioner Collier: That is the way it is under existing law, Senator; but under this bill the title could only pass to the community by purchase. Only the Indians could buy it.

Senator Thompson: That is what I am trying to get at.

Commissioner Collier: That is in line with legislation that has been before this Congress for about 2 years. We started in with an effort to get appropriations for the repurchase of these heirship lands. We never got by the Budget on it.

The Chairman: I think that should be done. I think it is an outrage the way they have disposed of these Indian lands, the way they have lost title to them, and the way they have been checkerboarded upon those locations.

Senator Thomas of Oklahoma: Mr. Fredenberg, let me ask you one question if you don't mind. Under the terms of this bill your tribe would be permitted to form a charter?

Mr. Fredenberg: Yes, sir.

Senator Thomas of Oklahoma: Which would be made especially to suit your needs and conveniences?

Mr. Fredenberg: Yes, sir.

Senator Thomas of Oklahoma: The charter would be a form of government and serve your needs. That is all you would be interested in?

Mr. Fredenberg: That is the thing that we are interested in. I might say this, Mr. Chairman and gentlemen of the committee: Our principal difficulty up to now has been that we are so far removed from Washington. There are many things which develop daily in our industry. We are in communication with great lumber companies and we ought to have authority to do certain things in connection with that and have local self-government or something of that character and have more or less control over things that have to be done in an industry of that character.

The Chairman: I have forgotten just where your reservation is.

Mr. Fredenberg: We are in north-central Wisconsin, north of Green Bay.

Senator Thomas of Oklahoma: If this charter were prepared exactly as it would be under the terms of this bill, if the charter were agreeable to your tribe and agreeable to the Bureau of Indian Affairs and should be approved by the Congress, that would serve your needs entirely, would it not?

Mr. Fredenberg: Entirely. Of course, we would need the educational features and we would also want authority under which we could set up some system of law and order.

Senator Thomas of Oklahoma: That would all be controlled by the charter.

Mr. Fredenberg: It would all be controlled, you say, by the charter?

Senator Thomas of Oklahoma: As fully as if it were done by the Indian Bureau. It would be the same charter. If it was approved by the Department and by Congress, that would take care of your situation thoroughly, without disturbing other reservations where perhaps no charter would operate satisfactorily. I want to help you to do what you want to do, because I think you are able to do it; but there are some complications that come in that I am not sure about. I am like my Indian friend over here; I am not sure about it yet. But from what you say it looks to me like you were thoroughly qualified to do what you want to do.

Mr. Fredenberg: That is the very thing we are interested in, Senator.

Commissioner Collier: It might interest you, Mr. Chairman and gentlemen of the committee, to look at this map of another contiguous reservation [exhibiting a map to the committee]. It represents the Grand Portage. That is the state it was in in 1915, where we show the ownership. It was allotted, and this is the condition now [indicating].

Senator Frazier: Is that also in Wisconsin?

Commissioner Collier: This is across the line, in Minnesota. You can see the checkerboarding and the Indian people only a minority.

Senator Thompson: The colored blocks are what?

Commissioner Collier: The lands outlined in red are the ones that are lost, representing a little less than half in this case.

I would remind the committee that a few years ago Mr. Fredenberg's tribe came before the Congress with a bill providing for the Menominees setting up a corporation. They tried to get what they wanted by a special bill, but it was not considered and did not pass.

Mr. Chairman, we are very anxious to present more witnesses and to proceed with an analysis of the bill at your convenience.

The Chairman: Go ahead.

Commissioner Collier: At this point of the record I would like to offer an account, prepared by the Eastern Cherokees of North Carolina, of their organization. They are endorsing the bill because they find it fits them. It is an extraordinarily interesting document. It shows a group of Indians that fought their own way up from absolutely nothing and organized and incorporated and are now operating on that basis.

The Chairman: You may put it in the record. But what I am more interested in than anything else, and I think what ought to be done—and perhaps we might have to appoint a subcommittee to do it—is to take this bill up section by section. You are presenting a lot of general statements with reference to it, but what the committee should do, in my judgment, is to take it up section by section, because, candidly, as it is drawn it is difficult for me, at least, to follow it through. It is a jungle to me.

Commissioner Collier: It really is consecutive, but it is going to seem a jungle until it is read section by section. We are ready to proceed with an analysis of it, section by section, beginning at this moment if the committee is ready.

*Response of Delegates to the Intertribal Indian Congress Convened at Hayward, Wisconsin on April 23-24, 1934**

Among the first delegates who raised questions about the proposed legislation were Wisconsin Indians. Chippewa from the Bad River Reservation, claiming it was "through deceit" that they had first become wards of the federal government, wanted answers to several questions. The Bad River delegation raised a series of questions about what would happen to the rights of Indians who owned land allotments and about the extension of credit to chartered tribal communities under the proposed legislation . . . . The Menominee delegation was especially anxious to know if the bill would replace all previous laws governing Indians . . . . Delegates from other Wisconsin tribes and bands also raised questions. Stockbridge-Munsee delegates, pointing out that their people had lost their allotted lands and remained on them only as renters or "by the good graces of some white men," asked if they would come under the provisions of the bill relating to the acquisition of lands . . . . Henry Wakemeup, a member of the landless St. Croix Band of Chippewas, unequivocally stated, "if this bill has any effect upon our treaty rights and claims, I will have nothing to do with it" . . . . Reminding BIA officials of the precarious situation of his people who "had forgotten to ask for a reservation," he received assurances that Commissioner Collier would look into the matter . . . .

Winnebago delegate Mitchell Red Cloud, Sr. informed the assembled delegates that the proposed legislation contained "no provision whatsoever objectionable to the Winnebago tribe as a whole" . . . . Winnebago [now known as Ho-Chunk] delegates from LaCrosse, Wood, Jackson, Monroe, Trempealeau, Juneau, and Clark counties in Wisconsin had come to the congress with instructions to support the Wheeler-Howard Bill if satisfactory answers could be obtained to several questions. At a meeting in Black River Falls several days before the congress assembled, about 25 Winnebagos had raised questions about the exact meaning of tribal self-government under the bill and had asked about the benefits that would be offered to tribes that elected to remain outside reservations. They had apparently reached the consensus that they could support the measure if they obtained favorable answers to these questions . . . . In reporting Winnebago support for the bill, Red Cloud requested the addition of a provision by which Indians could "recover ownership, or, grant right to reimbursement of taxes paid, where the loss of ownership is not through the fault of the Indian, but through the indifference and laxity of administration of the Federal agents in recent years." Many Winnebagos had lost lands when the state forced them to pay back taxes on lands which had previously been exempt from taxation. Nevertheless, Red Cloud was optimistic. "Justice may be blind," he stated, "but Mr. Roosevelt and Mr. Collier are excellent eye doctors" . . . .

A discussion of educational issues brought comments more critical than those of Red Cloud. Thomas St. Germaine, an advisor to the Lac du Flambeau delegation . . . , joined others in questioning the soundness of the bill's education provisions. Although the legislation called for the provision of higher education for Indian youth, St. Germaine raised questions about where Indian youngsters would obtain the preparatory training necessary to enable them to take advantage of the provision. According to St. Germaine:

> If the Indian school can prepare the youth up to the point of entering the University of Wisconsin, or Yale, or some other large school, all well and good, but it does not prepare the youth up to that point. Why do we have [only] a Dr. Roe Cloud or a St. Germaine or perhaps one or two others who are graduates of big

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* Excerpted from Ronald N. Satz, "'Tell Those Gray Haired Men What They Should Know': The Hayward Indian Congress of 1934." The unpublished paper is on file at the Archives Division, State Historical Society of Wisconsin, Madison, Wisconsin, pp. 14-19. The published version is in the *Wisconsin Magazine of History* 77 (Spring 1994), pp. 196-224.

> schools? Why do we have so few of them? Because the system of education has been so faulty, so low in grade that it does not prepare for entrance in higher schools . . . .

In addition to challenging the government's educational policies, the Lac du Flambeau delegation sought clarification as to the ownership of water rights on their reservation.

The Lac du Flambeau Chippewas took water rights issues very seriously. One-third of the area of their reservation consisted of water, which the delegates referred to as their "chief asset" . . . . St. Germaine called water rights "vital" to his band's welfare. A Yale-educated attorney, St. Germaine had argued before the Wisconsin Supreme Court in 1933 that Chippewa Indians could not be prosecuted for violating state fish and game laws *off* their reservations because of the provisions of nineteenth century treaties . . . . At the Hayward Congress, he stated, "the reason our grandfathers preserved these waters in old treaties was to provide the Indians with hunting and fishing and to provide a store house for game." Disturbed by actions taken by the Wisconsin Supreme Court to place all "navigable streams"—including those running through Indian reservations—under state jurisdiction, St. Germaine advised the representative of the BIA: "if you want to help these reservations[,] your action should be this: Congress should enact a law whereby we could have exclusive jurisdiction of these waters. Otherwise self-government means nothing to us for we will have nothing to self-govern with" . . . .

BIA attorney Reeves' response was not reassuring. While informing the delegates his heart went out in sympathy to the Chippewas "because of their losses—primarily of land," and while conceding "unquestionably there have been treaty violations" against the Chippewas, he asserted "if the streams are navigable the title is in the State and State has the control, and if the waters are non-navigable the State has no jurisdiction" . . . . Reeves' answer upset Bad River delegate Jerome Arbuckle so much that he responded before St. Germaine had an opportunity to do so. Arbuckle insisted on knowing whether Chippewas would be "liable to State law and arrest if we pass over these [navigable waters over which the state claims jurisdiction] with game out of season." When Reeves responded by saying, "I think you would—I may be mistaken," Arbuckle complained, "I would like to know what good our treaty is then." Reeves' reply reinforced the argument Arbuckle had already made to the assembled Indian representatives—namely, if the bill did not protect Chippewa hunting and fishing rights "it takes everything away . . . and will be of no benefit" to the Chippewas at all . . . . As Earl C. Morrison of Bad River put it, "if the bill is going to take away our hunting, fishing, trapping, cranberries, and wild rice, you might as well put us in the middle of Lake Superior" . . . .

St. Germaine pursued the issues raised by the Bad River delegates. In one of the most poignant speeches of the Congress, the Lac du Flambeau attorney asserted:

> Someone has said—in fact the Supreme Court has said that the treaty is the supreme law of the land. I don't know what they mean by that—perhaps they should have said all but an Indian treaty [is the supreme law of the land]. An Indian treaty, it seems, can be twisted any old way to suit someone else. A mere interpretation by a certain group of men should not change the law. My thought is this. That the interpretation of the law has never been argued by a member who really believes and knows that the Indians retain titles to these waters within reservation lands. Give us a chance—let an Indian go there [to Washington] and tell those gray haired men what they should know . . . .

In particular, St. Germaine wanted to tell those "gray haired men" that the Chippewa treaties had to be interpreted as understood by the Indians who had originally signed them . . . .

Tribal Governments

The Status of Tribal Governments

by Ronald N. Satz

> Very little published information of either a general or a scholarly nature exists on tribal governments. The area has been overlooked by historians, political scientists, legal theorists, and anthropologists. One reason for this is that the subject is one of considerable complexity, requiring understanding and intellectual maturity in a number of disciplines.
>
> Sharon O'Brien
> *American Indian Tribal Governments*

Tribal governments, unlike state governments, are not creations of the U.S. Constitution. Tribal sovereignty existed long before the founding of the United States of America. European powers recognized tribal governments as sovereign nations, and the United States continued the practice of recognizing the various tribes as political entities possessing sovereignty and capable of managing their own affairs. As Chief Justice John Marshall's colleague John McLean asserted in his concurring opinion in the 1832 landmark case of *Worcester v. State of Georgia*, "the numerous treaties which have been formed with . . . [the Indians], and the ratification[s] by the president[s] and senate, . . . [have] been more than an idle pageantry." (*Worcester v. Georgia*, pp. 582-83)

Although federal Indian policy has long had as its aim the breakup of tribal societies, the drive for self-determination has been persistent among American Indian tribal societies. From the beginnings of contact with non-Indian settlers in Wisconsin, tribal governments have struggled to meet the needs of their people and to handle relations with the invaders.

Restraints on the autonomy of Indian tribes today are numerous. They include treaties with the United States, tribal constitutions and bylaws, and U.S. congressional statutes. Chief Justice Marshall (see fundamental 12) referred to the tribes as "domestic dependent" nations in the 1832 *Worcester* case cited above. The relation of the tribes to the United States was "peculiar," as Marshall had noted a year earlier, because they existed *within* the borders of states of the Union. (*Cherokee Nation v. Georgia*, pp. 1-20) Status as a domestic dependent nation, however, did not lessen the obligations of the federal government to uphold its treaty commitments to the tribes. As Marshall put it:

> The constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and consequently admits their rank among those powers who are capable of making treaties. The words "treaty" and "nation" are words of our own language, selected in our diplomatic and legislative proceedings, by ourselves, having each a definite and well understood meaning. We have applied them to Indians, as we have applied them to other nations of the earth. They are applied to all in the same sense. (*Worcester v. Georgia*, pp. 559-60)

The ending of treaty making in 1871 neither lessened the obligations of the federal government toward the tribes nor obliterated tribal self-government. The 1871 legislation clearly specified that "nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such

Indian tribe or nation." (U.S. Congress, p. 566) Indeed, Chief Justice Marshall's opinion in the *Worcester* case has never been challenged by a subsequent Supreme Court decision.

Despite federal recognition of the validity of treaty obligations to the tribes, limitations do exist on the ability of tribal governments to make and enforce their own laws. In 1884, for example, the U.S. Supreme Court in its *Kagama* decision declared that Congress had plenary or full power to legislate Indian affairs. Tribes that organized under the Indian Reorganization Act of 1934 (see fundamental 19) have had to obtain the approval of the Secretary of the Interior for tribal ordinances, contracts, and amendments to their constitutions. In recent decades, while recognizing the existence of Indian sovereignty, federal courts have ruled that tribes may not exercise powers that are inconsistent with their dependent status.

Tribal governments in Wisconsin today exercise several kinds of jurisdiction as noted below.

Exclusive jurisdiction. No other authority may overrule tribal actions in these areas—for example, defining tribal membership or citizenship; regulating such family relations as marriage, divorce, inheritance, and welfare of children (adoption, foster care, and juvenile counseling); regulating economic activity on the reservation; levying taxes on the reservation; and settling tribal election disputes.

Concurrent jurisdiction. Tribes share authority with another government—for example, as residents of a Public Law 280 state, Wisconsin tribes have concurrent criminal and civil jurisdiction with the state (the tribes have no jurisdiction over non-Indians as a result of the 1978 *Oliphant* decision of the U.S. Supreme Court). (Satz, 1991)

Tribal preemption of state jurisdiction. Under the *Voigt* case decisions (1983-1991) pertaining to Chippewa hunting, fishing, and gathering rights in ceded territories, effective tribal regulation of fish, game, and plant resources (excluding the use of timber for commercial purposes) may preclude state regulation.

Resources

Cherokee Nation v. State of Georgia, 30 U.S. (5 Peters) 1 (1831), pp. 1-20.

Cohen, Felix S. *Handbook of Federal Indian Law*. Ed. Rennard Strickland. Rev. ed. Charlottesville, VA: Michie/Bobbs-Merrill Pubs., 1982.

Friends Committee on National Legislation. "Recent Supreme Court Decision Hobbles Tribal Sovereignty—Will Congress Respond?" *Indian Report* I-39 (Spring 1991), pp. 1, 4.

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Porter, Frank W., III. *The Bureau of Indian Affairs*. New York: Chelsea House Pubs., 1988.

Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Sciences, Arts, and Letters, 1991.

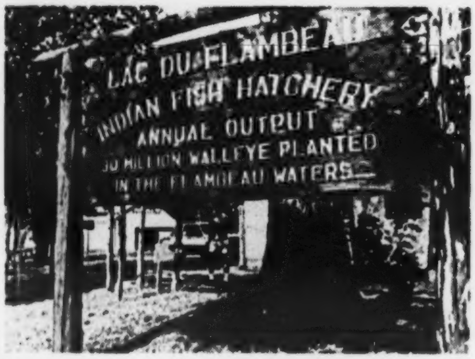
U.S. Congress. Act of March 3. *Statutes at Large*. Vol. 16. 1871, p. 566.

Worcester v. State of Georgia, 31 U.S. (6 Peters) 515 (1832), pp. 515-63.

Photographs of Tribal Government in Action

The following photographs illustrate some of the many functions of tribal government.

Left: Gaiashkibos, former tribal chair of the Lac Courte Oreilles Band of the Lake Superior Chippewas. Photograph courtesy of News from Indian Country, *Hayward, Wisconsin. Below: Fish hatcheries on Indian reservations, such as the one depicted here, are an example of tribal conservation efforts. Photograph courtesy of Jason Tetzloff.*


LAC DU FLAMBEAU
INDIAN FISH HATCHERY
ANNUAL OUTPUT
MILLION WALLEYE PLANTED
IN THE FLAMBEAU WATERS

LAC DU FLAMBEAU
OJIBWE

Lac du Flambeau Tribal Judge Ernest St. Germaine discusses a legal question with members of his staff. Photograph courtesy of Jason Tetzloff.

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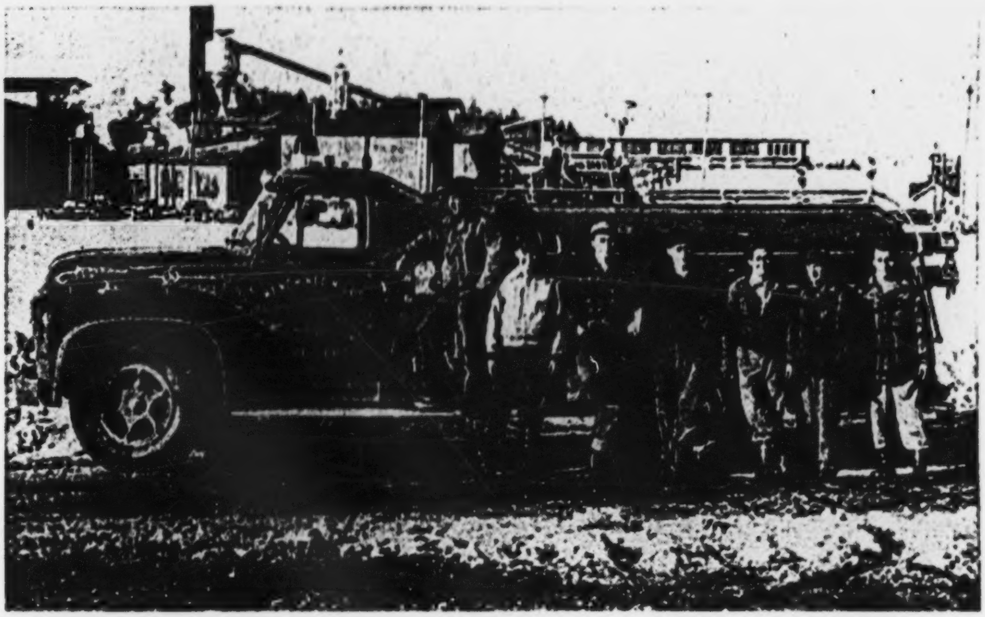
Tribal and Great Lakes Indian Fish and Wildlife Commission game wardens check the size and sex of fish caught by Indians. From Ronald N. Satz. Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective. *Madison: Wisconsin Academy of Sciences, Arts, and Letters, 1991, p. 110.*



Volunteer Menominee Indian Mills Fire Department, Neopit, Wisconsin, 1954. Menominee Indian Centennial Committee, Menominee Indian Centennial, 1854-1954, *p. 43.*

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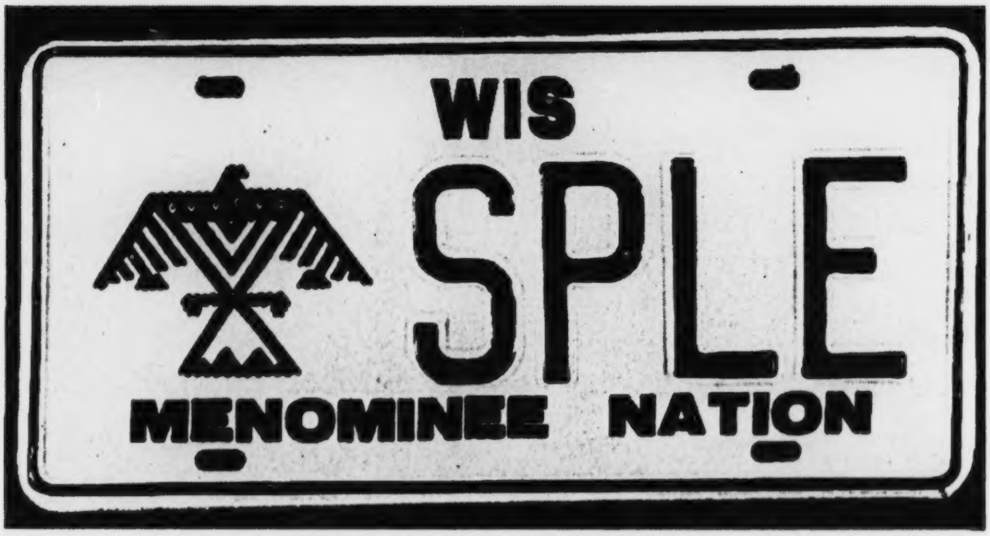
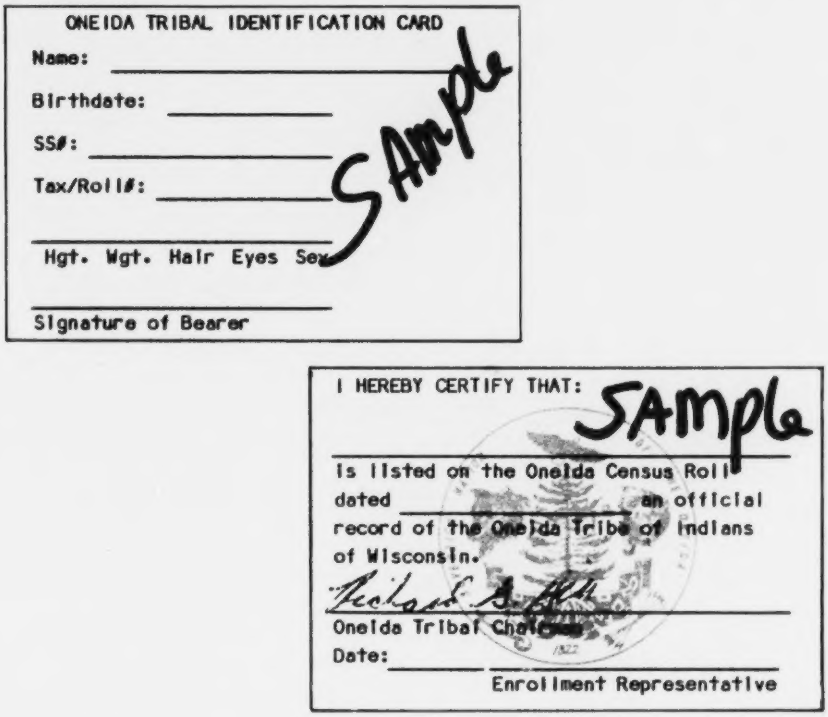
Examples of Tribal Licenses



Sample automobile license plate of the Menominee Indian Tribe of Wisconsin. Courtesy of the Motor Vehicle Department of the Menominee Indian Tribe of Wisconsin.



ONEIDA TRIBAL IDENTIFICATION CARD

Name: ________________

Birthdate: __________

SS#: ____________

Tax/Roll#: __________

Hgt. Wgt. Hair Eyes Sex

Signature of Bearer

SAmple

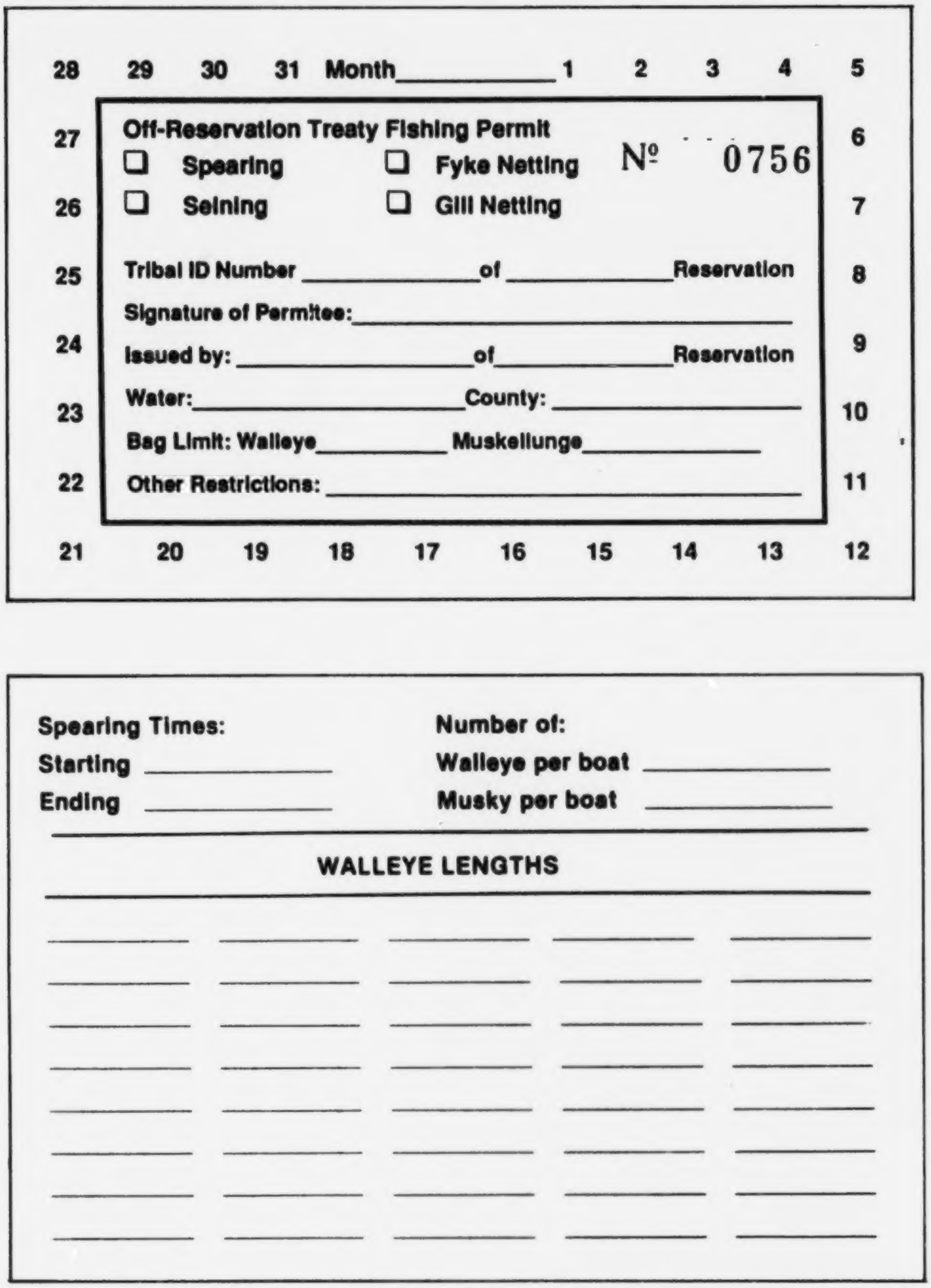
I HEREBY CERTIFY THAT: SAmple

Is listed on the Oneida Census Roll dated ________ an official record of the Oneida Tribe of Indians of Wisconsin.

Oneida Tribal Chairman

Date: ________ Enrollment Representative

Sample Oneida Census Roll Identification Card (sides 1 and 2). Courtesy of Thelma M. McLester, Education Administrator, Education and Training Department, Oneida Tribe of Indians of Wisconsin.



28 29 30 31 Month__________ 1 2 3 4 5

27 **Off-Reservation Treaty Fishing Permit** № 0756 6

☐ Spearing ☐ Fyke Netting

26 ☐ Seining ☐ Gill Netting 7

25 Tribal ID Number __________ of __________ Reservation 8

Signature of Permitee: ____________________

24 Issued by: __________ of __________ Reservation 9

23 Water: __________ County: __________ 10

Bag Limit: Walleye__________ Muskellunge__________

22 Other Restrictions: ____________________ 11

21 20 19 18 17 16 15 14 13 12

Spearing Times:

Starting __________

Ending __________

Number of:

Walleye per boat __________

Musky per boat __________

WALLEYE LENGTHS

Samples of tribal harvest licenses. Reproduced with the permission of the Great Lakes Indian Fish and Wildlife Commission.

Tribal Courts, Tribal Judges, and Indian Law in Wisconsin

by Ani Satz

Separate and culturally relevant justice is a concept that is paramount to the understanding of the differences between the judicial system of the United States and the judicial systems of Wisconsin Indian nations. Unlike state and federal courts in the United States, tribal courts do not derive their powers from state or the federal constitution. Indian tribes were recognized as sovereign nations prior to the founding of this country. The U.S. Constitution extended formal recognition to Indian tribes as sovereign nations, and American officials have acknowledged increasingly the right of the tribes to formulate and enforce their own laws on their reservations. The federal courts have confirmed the right of Indian tribes to establish tribal courts, enforce violations of tribal law by Indians, and to tax non-Indians who lease land from reservations. The federal courts have also upheld the power of the tribal courts in matters of extradition. On reservations, Indians hold hearings in their own tribal courts with tribally appointed judges, and tribal police forces provide law enforcement.

Although U.S. officials intended the establishment of courts of Indian offenses in the 1880s as a means of acculturation, Wisconsin Indian tribes have deeply rooted traditions of seeking assistance from respected elders regarding questions of law and order and these traditions are still evident today. The Menominees provide an example. In 1892, the U.S. Bureau of American Ethnology reported that the Menominee Indians had a "model" court composed of "three worthy" judges including tribal chief Neopit. (Hoffman, 1896) In the early 1900s, another Menominee leader, John Sainte Baptiste Perrote ("Sabatis"), served ably as an Indian court judge. In 1943, Rhoda Oshkosh House became the first Menominee woman appointed to a tribal judgeship.

Despite a traditional respect for justice, the majority of formally organized tribal courts in place in the state of Wisconsin today are relatively recent establishments. Most evolved under the Child Welfare Act, which was passed in 1978 to prevent the removal of Indian children from the reservations. Up until the act's passage, the state often brought Indian children in need of a foster residence into the homes of non-Indians living off the reservation who raised them under different religious and cultural traditions. These children consequently lost track of their Indian heritage. Tribal courts emerged as a response to such situations. Also around this time, issues pertaining to off-reservation Chippewa hunting and fishing began to arise. As a result of the Voigt decision in 1983, the six Chippewa tribes in Wisconsin had to prove that they were capable of self-regulation. Tribal courts were a means to such proof.

The importance of tribal courts in Wisconsin varies from tribe to tribe. Some tribes funnel a large portion of their funds into the courts, while others do not. Many tribes who place great value in the tribal court lack the necessary funding to expand and/or enforce their jurisdiction. In the absence of a tribal court, a tribal council may function as a quasi-judicial making body.

The jurisdiction of tribal courts is perhaps one of the most complex aspects of the tribal justice system. In general, jurisdiction extends over matters (criminal and civil) that occur within the boundaries of the reservations. Tribal courts are also responsible for the resolution of domestic issues and issues pertaining to probate and tax law on the reservations. A more specific breakdown of criminal jurisdiction and the Indian system of justice is in figure 1.

The U.S. Congress, however, has restricted tribal jurisdiction. The Major Crimes Act of 1885 granted federal courts jurisdiction in more "serious" criminal cases including arson, burglary, kidnapping, larceny, manslaughter, murder, rape, and robbery. Thus, Indians accused of such major crimes are tried, and if convicted, sentenced in federal courts. Trial by jury in criminal courts was imposed by the Indian Civil Rights Act of 1968. Public Law 280, passed in 1953, granted possible state jurisdiction over offenses committed by or against Indians on their reservations. Because the State of Wisconsin operates under Public Law 280, a case involving a

Figure 1 ■

Criminal Jurisdiction and the Indian System of Justice

Location Where the Crime is Committed	Federal Jurisdiction	State Jurisdiction	Tribal Jurisdiction*
I. In non-Indian Country			
A. Federal law involved	Yes	No	No
B. State law involved	No	Yes	No
C. Tribal law involved	No	No	Maybe
II. In Indian Country (where P.L. 280 or specific statute applies)	No	Yes	No
III. In Indian Country (no P.L. 280)			
A. Crimes by Indian against Indian			
1. Major Crimes Act	Yes	No	No[b]
2. Other Crimes '	No	No	Yes
B. Crimes by Indian against non-Indian			
1. Major Crimes Act	Yes	No	No[b]
2. General Crimes Act	Yes	No	Yes[c]
3. Assimilative Crimes Act	Yes	No	Yes
C. Crimes by non-Indian against Indian			
1. General Crimes Act	Yes	No	No
2. Assimilative Crimes Act	Yes	No	No
D. Crimes by non-Indian against non-Indian	No	Yes	No
E. Victimless and consensual crime			
1. Crimes by Indians	No	No	Yes
2. Crimes by non-Indians		Yes[a]	
a. General Crimes Act	Yes	Yes[b]	No
b. Assimilative Crimes Act	Yes	Yes[b]	No

---

* Note: In *Duro v. Reina* (1991), the Supreme Court ruled that tribes do not have criminal jurisdiction over members of other tribes. Congress subsequently restored by legislation rights of tribes regarding jurisdiction over non-member Indians.

Source: Vine Deloria, Jr. and Clifford M. Lytle, *American Indians, American Justice* (Austin: Univ. of Texas Pr., 1983), p. 179. Reprinted with permission.

[a] Some statutes permit concurrent jurisdiction.

[b] The law is unsettled in these areas.

[c] If prior punishment by tribal court or as provided for by statute.

tribal member may be filed in either state or tribal court, but it may not be refiled in, or appealed to, the other court system. The federal government had passed legislation in 1854, which together with an earlier enactment of 1834, collectively became known as the General Crimes Act. The purpose of this legislation was to permit federal jurisdiction on Indian reservations in cases where non-Indians are involved in a crime, either as the perpetrator or the victim. In 1948, the federal government passed the Assimilative Crimes Act, which allowed federal jurisdiction in geographic areas, such as Indian reservations, where the federal government does not otherwise have jurisdiction by statute.

Only one tribe, the Menominee tribe, exercises criminal jurisdiction on the reservation. Many tribes that are legally able to rule in criminal matters lack the funds to do so. As a result, the tribes in Wisconsin primarily rule within the boundaries of civil forfeiture jurisdiction, which simply means there is no imposition of incarceration in the cases heard before the tribal court. The extent of the tribes' jurisdiction in civil matters varies dramatically from tribe to tribe, and thus the cases that go to a tribal court differ among the tribes.

All six bands of Chippewa Indians in the state have tribal courts. The tribal court of the Bad River Band has been in existence since September 5, 1979. The court handles conservation violations, name changes, and marriages. The court's only jurisdiction over non-tribal members pertains to marriages solemnized on the reservation. The tribal court of the Lac Courte Oreilles Band was founded on May 24, 1976. The court hears the following civil cases: Indian child welfare, adoption, annulment, child custody, guardianship, conservation, legal separation, housing, name changes, termination of parental rights, paternity, divorce, and small claims. The extent of the court's jurisdiction over non-tribal members is in matters concerning on-reservation violations of tribal lands, divorces, and marriages. The tribal court of the Lac du Flambeau Band was established on September 26, 1983. Its jurisdiction extends over civil cases concerning natural resources, domestic issues, and traffic violations and other small claims issues. The court plans to hear criminal cases in the future. The Red Cliff tribe has operated a tribal court since 1978. The court hears all cases arising under the Red Cliff Code of Laws, namely, conservation, housing, name change, child welfare, traffic, animal control, and pollution and environmental protection cases. Jurisdiction over non-members is limited to cases involving fishing and hunting, businesses, land development, pollution and other environmental issues, and marriages on the reservation. The St. Croix tribal court has been in existence since 1984. The court handles mostly conservation cases involving natural resources on the reservation as well as off-reservation hunting, fishing, and gathering disputes. Some housing cases are also heard. Aside from conservation cases, the tribe exercises jurisdiction over non-members in solid waste disposal disputes. The Mole Lake tribe established their court in 1983, following *Voigt*. The tribe has jurisdiction over conservation issues, marriages solemnized on the reservations, and other matters under the Indian Child Welfare Act.

The Menominees of Wisconsin established their contemporary tribal court system in 1975. The Menominees exercise the greatest jurisdiction of any tribe in the state of Wisconsin. With the exclusion of felonies, both civil and criminal cases are heard.

The Forest County Potawatomi tribe, the Oneida tribe of Wisconsin, and the Stockbridge-Munsee tribe do not have tribal courts. Tribal councils or committees often mediate disputes.

Tribal jurisdiction may be exclusive or concurrent with U.S. federal and state governments, however, the Indian nations possess a direct legal relationship with only the federal government, not the states. In fact, their recognition by the U.S. government as sovereign nations established their ability to engage in treaty making. This ability gives the Indian nations a technically higher status than the states. Although Chief Justice John Marshall at first avoided this issue in his ruling in *Cherokee Nation v. Georgia*, which referred to the Indian nations in 1831 as "domestic dependent nations," he reinforced the concept of tribal sovereignty a year later in *Worcester v. Georgia* in 1832. It was in *Worcester* that Marshall ruled that state legislatures had no authority to pass laws affecting Indians within their tribal boundaries. (See fundamental 12) Marshall noted in the Cherokee cases that the relationship of Indian tribes to the federal government was "peculiar" because Indian tribes existed within the boundaries of the United States. (Satz, 1989)

The appeal process from tribal courts differs from that of the U.S. judicial system, and has been subject to great criticism. In Wisconsin (with the exception of the Lac Courte Oreilles tribal court where an appeal goes to the tribal council), if a case is appealed, a three judge intertribal panel is drawn from a pool of Wisconsin tribal judges. An appeal from a Wisconsin tribal court is considered to be the final decision; there is only one absolute right of appeal. If after the appeal, the accused still believes she or he has been denied justice, a federal court may review the case, but it may only rule in regard to whether or not the tribal court was within its jurisdiction when the ruling was made, not in regard to the accused's culpability.

Just as the jurisdiction of tribal courts varies from tribe to tribe, so do courtroom operations and proceedings. In general, there are no intake days or pretrial hearings as their are in U.S. courts. The courtroom setting is informal. Tribal Judge Ernest St. Germaine of the Lac du Flambeau Band of Chippewa Indians (shown here) stated that during cases involving domestic issues, "my courtroom often turns into a counseling session .... I try to do some healing and mending." (St. Germaine, 1992) Tribal judges also like to incorporate traditional notions of tribal justice into the system. For example, on the Lac du Flambeau reservation, people brought before the court may take an oath to tell the truth or be sworn in with tobacco and a feather. The use of attorneys varies widely. People often come before the court without legal representation. In some cases, "advocates"—non-attorneys hired to represent a person accused of violating tribal law—are used. This diversity does not hinder justice. As St. Croix Tribal Attorney Howard Bichler stated, "The focus of tribal courts is not that they are identical, but that they provide justice . . . that [providing justice] they do well . . . there are a lot of problems with our [the U.S.] system." (St. Germaine, 1992)

In Wisconsin, tribal courts are typically run by judges without formal legal schooling who are paid according to the time they spend in the courtroom. Even though most of the tribal judges receive some training from the Wisconsin Tribal Judges Association, "common sense" rulings and a "personalized justice" pervade the tribal courtroom. In the state of Wisconsin, only the Menominee tribe has a judge who is also a licensed attorney. Most tribal judges in Wisconsin are selected by the tribal council. Typically, the older members of the tribe are chosen first because they are often more versed in the native tongue and traditions.

Although the role of tribal judges also varies from tribe to tribe, the orientation of tribal

LAC DU FLAMBEAU
OJIBWE NATION

Judge Ernest St. Germaine of the Lac du Flambeau tribal court in his chambers. Photograph courtesy of Jason Tetzloff.

courts is usually toward serving as forums for arbitration and conciliation of disputes. The emphasis is on reestablishing social harmony rather than on punishment and retribution. Tribal judges, for example, often sentence offenders to pay compensation to a victim or to perform community service work. Judge St. Germaine relates an episode when an Indian person accused of violating a spearfishing law received a small monetary fine and in addition, was asked to do 80 hours of community service by accepting some Indian teens as apprentices in his shop. Three years later, and several thousands of volunteer hours later, the man eagerly accepts apprentices, having found them to be excellent workers. His contribution of training youngsters in a trade provides much more to the tribe than the payment of a large monetary fine or the service of a prison term.

Tribal law is for the most part, uncodified. Although there is a recent movement to create a more Anglo-American system of law by issuing written reports of decisions (as in such publications as the *Indian Law Reporter*) to establish tribal and possibly intertribal case law precedents, most tribal laws are codified only in the sense that they are reduced to ordinances. In fact, since all tribal "constitutions" are the creations of the tribal council, many tribal courts founded under the auspices of councils do not have the authority to declare tribal laws unconstitutional. That is, there is not a separation of powers that involve judicial review. The following oath taken by Menominee judges emphasizes the commitment of the tribal judiciary to support the existing tribal law:

> I, . . . , do solemnly swear (affirm) that I will support, defend, and uphold the Constitution, Bylaws and Treaties of the Menominee Indian Tribe and support and defend the best interests of the Menominee Indian Tribe; that I will support, uphold, and enforce the Law and Order Code of the Menominee Indian Tribe and the resolutions and ordinances duly passed by the Menominee Legislature of the Menominee Indian Tribe, and that I will faithfully and impartially discharge the duties of my office to the best of my ability. (O'Brien, 204)

The diversity and complexity of tribal courts have led to many myths and misconceptions. Among them are the following: Indians wish to abdicate their jurisdictional powers to state or federal courts in lieu of a more effective judicial process; acts committed on Indian reservations as well as probate and juvenile issues are generally subject to state jurisdiction; tribal codes are nothing more than updated versions of the old Bureau of Indian Affairs codes; and pleading guilty in court is a traditional Indian response.

In reality, tribal courts, under the Indian Reorganization Act (IRA) of 1934 (see fundamental 19), are better equipped than state courts to meet the needs of the tribes by integrating customs and traditions into their rulings; "it [the IRA] provided an opportunity to resurrect the traditions and customs that had been so important to Indian culture before being dissipated by the bureaucratic controls from Washington." (Deloria and Lytle, 1983) Furthermore, tribal courts possess a diverse jurisdiction on the reservation, the tribal codes are often written by hired tribal attorneys, and pleading guilty in court is a typical human response—certainly not limited to Indian peoples.

Separate and culturally relevant justice on reservations, while definitely not without its limitations and problems, is vital to the survival of the Indian peoples in Wisconsin. Tribal justice systems uphold unique community standards and respect for the significance of family unity to the tribe. Although modern courts struggle with an insufficient financial base and a lack of formal legal education among their professionals, through such advancements as the Full Faith and Credit Statute passed in Wisconsin in 1991 (which recognizes Indian nations as foreign nations dealing with another) and the application of the doctrine of comity (which gives effect to tribal law), the role of tribal courts is becoming more accepted. The State Bar Association has even started to list the Wisconsin tribal courts in their annual directory. Perhaps the most important recognition of the tribal courts comes from the tribal members themselves. As stated by a writer for the *American Bar Association Journal*, "If the choice were mine, I would choose Indian tribal courts over existing rural state alternatives as more suitable, more economical, and more just for the Indian communities they serve. But the choice is not up to me . . . . It is the law of land that the Indians decide for themselves." (Collins, et al., 1977)

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Indian Soldiers Defend the United States

by Timothy K. Panasuk

> Patriotism is the love and loyal support for one's country. Patriotism includes attachments to a nation's land, and people, admiration for its customs and traditions, pride in its history, and devotion to its welfare. Patriotism is a normal attitude or feeling. It exists in all ages and among all people. (*Menominee Tribal News*, 1991)

This statement is from a special edition of the *Menominee Tribal News*, published in recognition of the tribe's men and women who served in Operation Desert Storm in 1991. The Menominees are but one tribe in Wisconsin who have exemplified this definition of patriotism down through the generations. In fact, all Wisconsin Indian tribes have served in the U.S. armed forces in every war from the time of the Civil War.

In various American wars, Wisconsin Indians have displayed enthusiastic and fervent participation, and the extent of their patriotism is remarkably clear. Indians from across the United States have always been well-represented in the military, with tribal communities sending large numbers of volunteers to the armed forces. It is an impressive display of service, given the overall small tribal populations. The term *soldier* also applies to those Indian women who have served in the U.S. military and their participation has been equally impressive. In some instances, entire families have fought in certain wars and even the same engagements.

Perhaps the strongest factor in determining the participation of Wisconsin Indian soldiers was, and still is, tradition. Wisconsin Indian participation in American wars is not a recent phenomena. Generation after generation of Indians have laid down their lives for the United States of America. Being raised in close communities, young Indian men and women listened to the experiences of their relatives who had been veterans. They could see their pride, they listened to their stories, and sang and danced in their honor at pow wows. Military service is a strong family characteristic among Wisconsin Indian tribes, one which brings the family and community great pride.

Civil War

During the American Civil War, between 500 to 600 reservation Indians served in Wisconsin regiments for the Union cause. As early as 1861 Chippewas were offering their services, but President Lincoln refused to use Indian soldiers early in the war. This, however, did not stop individual Indians from volunteering in local community units. Most Wisconsin Indians were

Wisconsin Indians being sworn in as Civil War recruits. The recruit on the right may be Stockbridge Indian Adam Scherf. Photograph courtesy of the State Historical Society of Wisconsin. WHi (x31) 10058 not citizens of the United States and were therefore not subject to the draft. Yet some Indians were recruited by non-Indians seeking to find replacements when the Conscription Act was enacted in 1863. Many others simply volunteered their services. In the spring of 1864, the federal government made a concentrated effort to recruit Indians from Wisconsin reservations.

On May 5, 1864, Company K of the Thirty-seventh Regiment of Wisconsin Volunteers was mustered into service at Madison. The majority of this company was comprised of Menominee Indians. Attached to the Army of the Potomac during the assault on Petersburg, 11 Menominees in Company K were wounded, nine were killed in action, and four died in prisoner of war camps. At least 22 Menominee soldiers served in Company K, Seventeenth Regiment. Participating in the siege of Vicksburg in the summer of 1863, these men later marched in the Grand Review in Washington at the end of the war. Other Menominee volunteers were dispersed throughout various Wisconsin regiments. Four Menominees are known to have served as substitutes. Overall, at least 125 Menominees served as volunteers during the war.

The Oneida Indians also volunteered a large number of men, about 130 to the Union cause. Many Oneidas acted as substitutes for non-Indians. As with other Wisconsin tribes, the Oneidas faced poor economic conditions during this period. Under the Conscription Act of 1863, an American citizen could buy his way out of service for approximately 300 dollars. The war represented a means for Indians to support themselves, but the cost was very high. The Oneidas suffered a mortality rate of 60 percent. Oneida Indians served in various units, but at least 40 are known to have served in the Fourteenth Regiment, Wisconsin Volunteers.

Records on other tribes are not as complete as for the Menominees or the Oneidas. Fourteen Chippewas are known to have served together in the Seventh Regiment. Overall, approximately 30 to 40 Chippewas served in the Union Army. Residents of the Stockbridge-Munsee reservation also fought for the Union Army. In spite of numerous efforts to evict the Ho-Chunks (then known as Winnebagos) from Wisconsin, at least four—John Hill, John Sherman, Tom Bear, and John Carriman—served in the United States Army. (Red Cloud, Sr.)

Spanish-American War

Among the Rough Riders who served in this war were Ho-Chunk Chief Albert Yellow Thunder from Wisconsin Dells, Charlie Bear from Mauston, and James Russell from Black River Falls. (Red Cloud, Sr.) The Menominees and Oneidas were also among Indians who volunteered their service during the Spanish-American War. At least nine Menominees are known to have fought in this war. They saw duty in the First, Second, and Fourth Regiments. The Second Regiment was one of the units that experienced the greatest action. These companies served under General Nelson Miles during the Puerto Rican campaign.

First Engineer Chapman Skenandoah, an Oneida Indian, as he appeared before America's entry into World War I. From the Journal of the Society of American Indians *3 (July-Sep. 1915), p. 176.*

World War I and the 1920s

During World War I Indians across the United States again volunteered for service in large numbers. At this time, most were still not citizens of the United States and were not subject to the draft. Nonetheless, more than 8,000 entered military service and more than 17,000 registered for selective service. This response led Congress to enact the Indian Citizenship Act of 1924, which made all Indians citizens of the United States. The Indians of Wisconsin were no different from other tribes, and many volunteered for service as they had always done.

Corporal George Nimer, a Winnebago Indian from Tomah, stands guard at a sentry post at Niederahen, Germany. From The American Indian Magazine, no. 4.

Chippewa participation during World War I came the day after the declaration of war. A group of Chippewas from Bad River went to Ashland to offer their services. These men helped to form the 127th Infantry Machine Gun Company. Private Joseph Sky, the first casualty of the company, had a leg shattered by shrapnel and was sent home. One of his brothers was killed in the same battle. Despite these difficulties, Joseph Sky reenlisted two days after he returned to Odanah. World War I records reveal the following numbers for Chippewa soldiers from Wisconsin: 73 from Lac Courte Oreilles, 22 from Lac du Flambeau, 58 from Bad River, and ten from Red Cliff. At this time, only 615 of the 1083 Bad River Chippewas were citizens of Wisconsin. Of those that served, 40 percent had volunteered.

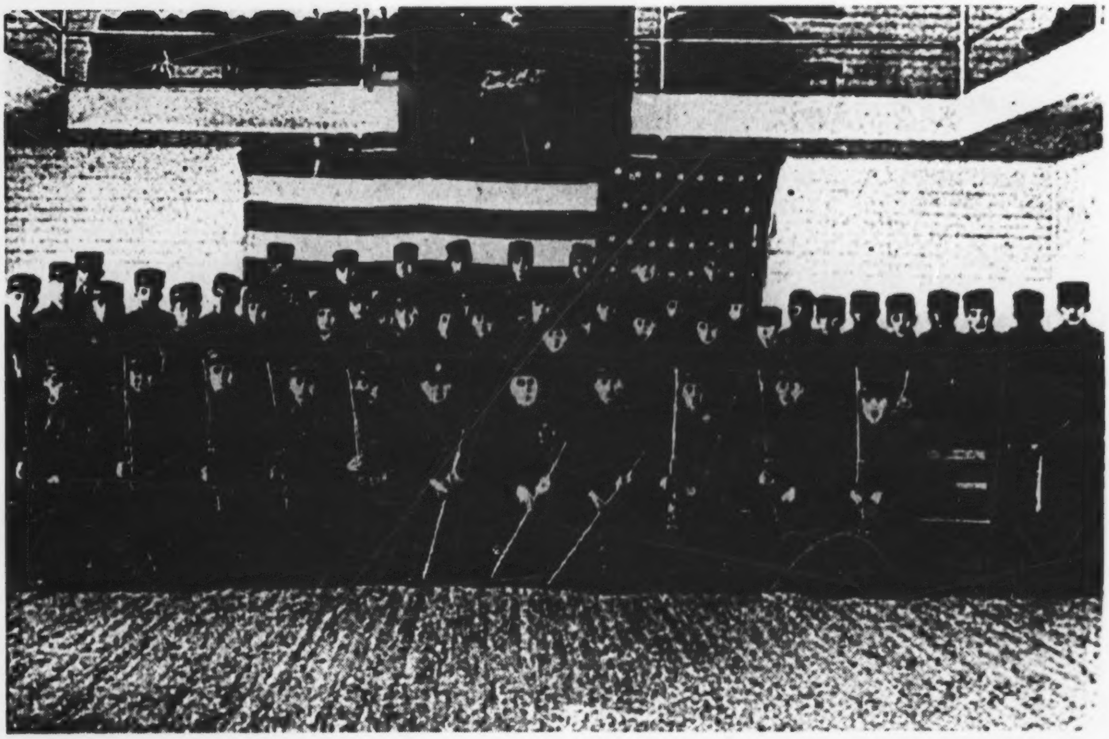
Approximately 61 Ho-Chunk men volunteered for service in the war, and only 49 returned. A number of Ho-Chunk Indians served in the famous Red Arrow Division, which received its nickname due to its numerous Indian soldiers.

Oneida men again served in large proportions, but also notable was an Oneida woman who served in the Medical Corps. Cora E. Sinnard was the only American Indian to serve overseas with the Army Nurse Corps in World War I. Mrs. Sinnard served overseas close to the battle lines for almost two years. The Menominee Indians had at least 20 men volunteer for service during the First World War and they were dispersed throughout various companies.

Indians who volunteered for military service found themselves in an entirely new social situation. They were no longer part of a tribal unit, but were joined by men and women from various walks of life. It has been suggested that Indians had a hard time adjusting to military life, but this was apparently not always the case. Jim (Pipe) Mustache, a Chippewa from Lac Courte Oreilles, was in the army from 1921 to 1926. He described it as a "good life . . . . It was easy for us (Indians) in the Army—because discipline was just as rigid as it was in Indian government schools." (*Anishinabe-Aki*, 1971) Some Indians may have found it difficult to adjust to life in the military, but apparently not former students of government boarding schools.

World War II

During the Second World War, Wisconsin Indians once again turned out in great numbers to support their country. Of the 300 able-bodied men at Bad River, for example, 116 (over 18 percent of the entire population) enlisted in the army, navy, or marines by June of 1943. Though by this time citizens of the United States, 75 percent had volunteered. Not all of these volunteers were men. The Second World War saw the participation of significant numbers of Indian women, many as army nurses. Chippewa women were anxious to support their country and 40 of



The Cadet Corps at the federally operated Tomah Indian Training School. From Tomah Indian Training School: 1917-1918 Announcement. *Tomah, Wisconsin, p. 12.*

them formed a rifle brigade for home defense. In 1943 there were a greater proportion of Chippewa young women and men in the armed forces and critical war industries than residents of any other community of comparable size or population. The Chippewas were also proud to have had the first student to register for the draft at the University of Wisconsin. He was Franklin Carroll from Webster.

During the first year of the war, 60 Menominee men had volunteered for service, and over 200 had enlisted by the end of 1943. Fourteen Menominee soldiers received the Purple Heart for wounds incurred on the European front. One Menominee, Lt. William Fredenberg, completed 37 missions in the European theater as a pilot. He participated in the bombing of Dresden and Cologne with the Eighth Air Force. Lt. Fredenberg received the Distinguished Flying Cross for "meritorious achievement while participating in missions over enemy territory." (*Indians at Work*, 1944) The youngest Menominee to serve in World War II was Gordon J. Long, who enlisted in the navy on his seventeenth birthday.

Wisconsin Indians also served in the Signal Corps during the war. Oneidas, Chippewas, and Ho-Chunks received training in adapting their native languages for code work. Utilizing Indian languages for code was more complicated than allowing two Indians to engage in conversation. Indian vocabularies do not contain military terms and certain alterations had to be made. One example comes from Ho-Chunk code talkers. At least eight Ho-Chunks served in the Provisional Anti-Tank Battalion of the Thirty-second Division as code talkers. In their language, a tank became a turtle, airplanes became various insects, and branches of the service were designated by colors.

The Oneida Indians sent ten percent of their entire tribal membership into service during the war, an average higher than the United States as a whole. At the time of the Japanese attack on Pearl Harbor, three Oneidas were with General MacArthur in the Philippines.

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Lt. Bill Fredenberg, Menominee Indian, recipient of the Distinguished Flying Cross. From Indians at Work *(Nov.-Dec. 1944), p. 32.*

Many Oneida Indians saw action on submarine patrols in the South Pacific and on destroyers in the Atlantic. Kenneth Doxtator serving in the Seventh Air Force received the Distinguished Flying Cross, an Air Medal with three oak leaf clusters, and a Purple Heart. His brother, Sgt. Lee Doxtator, served as an instructor in the signal operations battalion.

Ho-Chunks of Wisconsin also served proudly during the Second World War. Early in the war, Chief Yellow Thunder, claiming to speak for all American Indians, declared General Douglas MacArthur to be the "chief of all American Indians." (*Indians at Work*, 1942) The Blackdeer family from Onalaska serve as an example of Ho-Chunk military tradition. Six sons went to war. Donald Blackdeer fought in the Army's Thirty-second Division. He received the Good Conduct Medal, American Defense Service Ribbon, Asiatic Pacific Theater Ribbon, a Bronze Star, five Overseas Service bars, and a service stripe. Robert and Floyd Blackdeer served in the Army, and their brother Alvin in the Navy.

The Blackdeers were just one of many Wisconsin Indian families proud to have men and women serving in various branches of the military. Ho-Chunk veterans of both World Wars were the first to organize an all-Indian war veterans' group, established in May of 1949.

One of the most notable of the Ho-Chunk warriors was Mitchell Red Cloud, Jr. He served with Carlson's Raiders who fought with distinction on Guadalcanal. At one point he was sent home to recover from malaria, but returned to fight in the South Pacific. Red Cloud's father had fought in World War I and his younger brother had died in an Army training exercise in 1948. Mitchell Red Cloud later served in the Korean War, only to make the ultimate sacrifice.

"ABOVE AND BEYOND...
THE CALL OF DUTY."
Corporal Mitchell Red Cloud, Junior
July 2, 1925 - November 5, 1950.

Sculpture of Corporal Mitchell Red Cloud, Jr. depicting him wearing the Congressional Medal of Honor awarded posthumously. From the front cover of a booklet honoring Red Cloud's inclusion in the Indian Hall of Fame. Sculpture by Kenneth Campbell. Photograph by Nancy O'Connor. Courtesy of Merlin Red Cloud.

Korean War

Mitchell Red Cloud, Jr. fought in Company E, Nineteenth Regiment of the U.S. Army. On November 5, 1950, he was killed in action near Chonghyon, Korea at the age of 25. While camped on a hillside, his company was suddenly attacked. Red Cloud was the first to detect the charge of Communist forces. Being in the front of his company, Red Cloud opened fire at very close range, thus allowing his unit to regroup in a defensive posture and to evacuate their wounded. After being shot several times he pulled himself up, wrapped his arms around a tree to keep from falling, and continued to fire, undaunted by the enemy assault. He continued firing until fatally wounded from intense gunfire.

For his distinguished gallantry, Red Cloud posthumously received the Congressional Medal of Honor. President Harry S. Truman praised the Ho-Chunk soldier for "conspicuous military gallantry and intrepidity at the risk of his life above and beyond the call of duty in action with the enemy." (Truman, 1950) In Ho-Chunk Indian tradition, dying while fighting to protect their territory and people gives warriors eternal life as a spirit. It is the most honorable way for a warrior to die. Indeed, Mitchell Red Cloud is remembered to this day. In 1984 he was the first Ho-Chunk Indian to be inducted into the Indian Hall of Fame. There is also a historical marker erected in his honor just east of Black River Falls. The greatest tribute to Red Cloud's memory, however, comes in the form of song and dance performed at pow wows by the Ho-Chunk tribe. Other Wisconsin tribes have also danced, sang, and smoked the pipe in honor of this great Ho-Chunk warrior and in honor of other Wisconsin Indians who served in this and other wars. The tribes of Wisconsin share a patriotic bond and a tradition of fighting for America. They respect all Indian veterans equally.

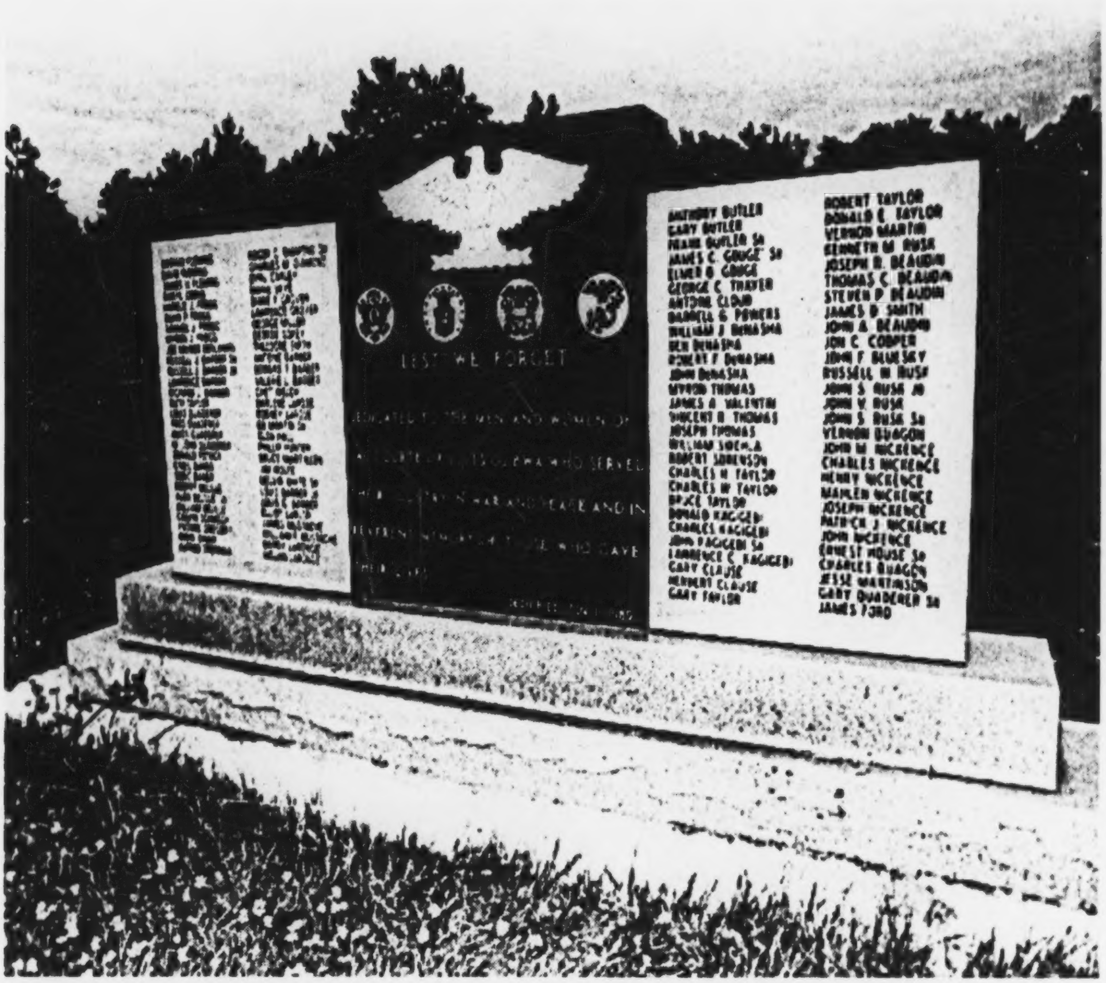
Vietnam War

Wisconsin Indian veterans display the black POW-MIA flag alongside the American flag at a pow wow. Photograph courtesy of Jason Tetzloff.

Wisconsin Indians also participated in the long struggle to counter Communist aggression in Vietnam. Paul "Rollie" Christjohn, an Oneida, fought in the First Air Cavalry, First Infantry, First Airmobile Division. He was killed in action on September 9, 1968. He posthumously received an Air Medal for distinguishing himself in more than 25 aerial missions in the support of ground forces. For such meritorious service over an extended period, he also received the Bronze Star. His brother, Theodore "Teddy" Christjohn, also served in Vietnam and received numerous decorations. These two men serve as a reminder of the valor displayed by Wisconsin Indian peoples during the Vietnam War. Many other Indians from various tribes in Wisconsin served with honor and distinction. The list of Wisconsin Ho-Chunks who served numbers nearly 100. (Red Cloud, Sr.) At tribal pow wows today, certain tribes will display the black POW-MIA flag, in honor of those that served in Vietnam, and to serve as a reminder that those that were left behind are not forgotten.

From Beirut to the Gulf War with Iraq

The present generation of Indians continue to carry on the proud tradition of their ancestors. One Chippewa youth from the Lac du Flambeau reservation went through a harrowing experience in Beirut in 1983. Carl Edwards was on


LEST WE FORGET
ANTHONY BUTLER
GARY BUTLER
FRANK BUTLER SR
JAMES C. GOUGE SR
ELMER O GOUGE
GEORGE C THAYER
ANTOINE CLOUD
DARRELL G POWERS
WILLIAM J DENASHA
BEN DENASHA
ROBERT F DENASHA
JOHN DENASHA
MYRON THOMAS
JAMES A VALENTINE
VINCENT R THOMAS
JOSEPH THOMAS
ROBERT SORENSON
CHARLES H TAYLOR
CHARLES W TAYLOR
BRUCE TAYLOR
DONALD KAGIGEBI
CHARLES KAGIGEBI
JOHN KAGIGEBI SR
LAWRENCE C KAGIGEBI
GARY CLAUSE
HERBERT CLAUSE
GARY TAYLOR
ROBERT TAYLOR
DONALD E TAYLOR
VERNON MARTIN
KENNETH M RUSK
JOSEPH R. BEAUDIN
THOMAS C. BEAUDIN
STEVEN P BEAUDIN
JAMES D SMITH
JOHN A BEAUDIN
JON C COOPER
JOHN F BLUESKY
RUSSELL M RUSK
JOHN S RUSK JR
JOHN V RUSK
JOHN S RUSK SR
VERNON QUAGON
JOHN M McKENZIE
CHARLES McKENZIE
HENRY McKENZIE
MARLEN McKENZIE
JOSEPH McKENZIE
PATRICK J McKENZIE
JOHN McKENZIE
ERNEST HOUSE SR
CHARLES QUAGON
JESSE MARTINSON
GARY QUADERER SR
JAMES FORD

Lac Courte Oreilles Chippewa memorial to tribal members who gave their lives in the service of the United States of America. Photograph courtesy of Jason Tetzloff.

guard duty October 23, 1983, when an explosion leveled the marine headquarters which killed 240 servicemen. "I was on guard duty 70 meters away . . . . I lost a lot of close friends in the company and the battalion. We all felt bad about losing our friends and all, but we still have a job to do . . . . I feel we should be over there for the people." (*Milwaukee Sentinel*, 1983) Edwards was only 19 years of age at the time. Upon returning home to his reservation, a ceremony was held in his honor where he was presented an eagle feather in honor of his bravery.

Most recently, the Gulf War with Iraq, or Operation Desert Storm, led to the call up of a number of Indian service men and women from Wisconsin. In some families, like the Nunies of the Oneida tribe, the husband and wife were called up simultaneously and forced to leave their children with family and friends. Indian women from several tribes participated in Operation Desert Storm. Nearly half of the 14 Ho-Chunk participants, for example, were women. (Red Cloud, Sr.)

The Menominee tribe had about 100 men and women in the armed forces at the time of the Gulf War. Twenty-six were stationed in Saudi Arabia. To show their support for their warriors, the tribe held a massive rally in February of 1991 and 1,000 people attended. The event drew students from the reservation and residents from nearby non-Indian communities. The tremendous display of Menominee service prompted a special commendation from Governor Tommy G. Thompson. (See following page)

Chippewa Indians served in Operation Desert Storm at a time when they were encountering harassment from anti-treaty rights groups in Wisconsin. It seems ironic that tribes like the Chippewas, who have distinguished themselves as some of the most patriotic people in the United States, must continually fight a different type of battle in their own country against other Americans seeking to deny them their treaty rights.

Conclusion

Wisconsin Indians have participated in the defense of the United States' wars with great zeal and have distinguished themselves on many occasions. Today, Wisconsin Indian veterans are remembered and honored at tribal pow wows through songs, dances, and ceremonies. On such occasions tribal members may share and smoke the pipe in honor of their veterans. Patriotism is evident at these ceremonial occasions and there are specific pow wows held in remembrance of a tribe's many veterans. The United States' flag is always present at these events. Veterans groups exist on almost all the reservations today, and they take pride in displaying their patriotism at tribal events. The event honors not just the warrior, but the entire family and tribe, who share in the admiration. The Indian veteran brings great respect to his or her family and tribe. Wisconsin Indians have a time-honored tradition in serving the United States of America and this proud reputation is being displayed in the current generation and will no doubt continue in future generations.

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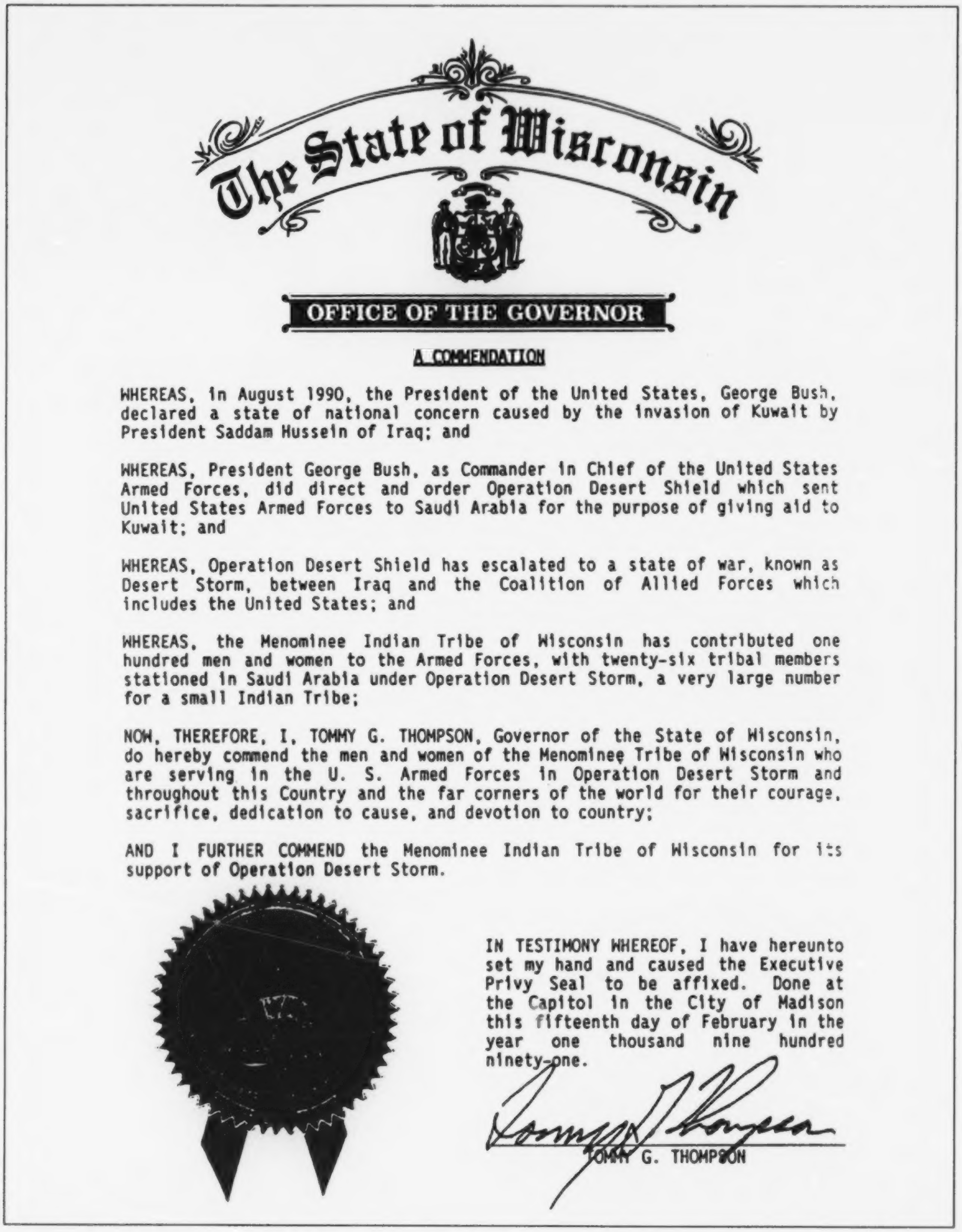
WE SUPPORT OUR WARRIORS IN THE GULF
HOME OF THE MENOMINEE EAGLES

Menominee support rally for Operation Desert Storm. Courtesy of Photography by J.D., 250 W. Main St., Clintonville, WI. Reprinted with permission.



The State of Wisconsin

OFFICE OF THE GOVERNOR

A COMMENDATION

WHEREAS, in August 1990, the President of the United States, George Bush, declared a state of national concern caused by the invasion of Kuwait by President Saddam Hussein of Iraq; and

WHEREAS, President George Bush, as Commander in Chief of the United States Armed Forces, did direct and order Operation Desert Shield which sent United States Armed Forces to Saudi Arabia for the purpose of giving aid to Kuwait; and

WHEREAS, Operation Desert Shield has escalated to a state of war, known as Desert Storm, between Iraq and the Coalition of Allied Forces which includes the United States; and

WHEREAS, the Menominee Indian Tribe of Wisconsin has contributed one hundred men and women to the Armed Forces, with twenty-six tribal members stationed in Saudi Arabia under Operation Desert Storm, a very large number for a small Indian Tribe;

NOW, THEREFORE, I, TOMMY G. THOMPSON, Governor of the State of Wisconsin, do hereby commend the men and women of the Menominee Tribe of Wisconsin who are serving in the U. S. Armed Forces in Operation Desert Storm and throughout this Country and the far corners of the world for their courage, sacrifice, dedication to cause, and devotion to country;

AND I FURTHER COMMEND the Menominee Indian Tribe of Wisconsin for its support of Operation Desert Storm.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Executive Privy Seal to be affixed. Done at the Capitol in the City of Madison this fifteenth day of February in the year one thousand nine hundred ninety-one.

TOMMY G. THOMPSON

A Commendation from the Governor of Wisconsin. From Menominee Tribal News *15.4 (27 Feb. 1991), p. 10.*

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The Status of Indians in the 1950s

The following excerpts from a series of seven *Milwaukee Journal* articles by Rod Van Every of the *Journal* staff provide insights regarding the plight and the concerns of Wisconsin Indians in 1950. There is much valuable information in these excerpts, especially about the economic conditions of the tribes and of individual Indians. Readers must keep in mind, however, that these articles reflect the views and attitudes of the decade in which they were written.

Food and Jobs Scarce for Wisconsin Indians: Plight of State's Indians Worse as Work Thins Out, Braves Return to Reservation Homes

Most of the 14,000 Indians living in the progressive state of Wisconsin exist deep in degrading poverty.

No one has starved. Many are hungry. There is a general malnutrition.

Serious illness is not apparent, but state statistics show that the Indian health record is far worse than the white's.

Most Indians are poorly but warmly clothed. The clothing comes from charities and surplus army warehouses.

Jobs are scarce. It was better in the black depression of the 1930's . . . .

Jobs and Money Scarce in Winter. . . . Except during World War II, winter economic conditions among the Indians have been bad, to one degree or another, for many, many years. There was work in the cities during the war, and many men left the reservations and Indian communities. Many more went in the army, navy, and marines. Their departures relieved the pressure, and so did the pay checks they sent back.

Now the Indian wage earner and his family are trekking from the cities to the reservations, back to the old folks, back to the only roof they can be sure of. Families double and triple up. It makes no difference that they are penniless now that the wonderful unemployment compensation has been used up. They are welcome, and there always is room for one more.

The summers are relatively kind to the Indians. There is work. There are the harvests to follow and the gardens to plant. Some men guide for fishermen at $10 or $12 a day. Women work at resorts. The sun is warm, and there is money. It is hard to remember that winter will come, as surely as tomorrow's sun.

Health Record Poor. In the winter, there may be some pulp wood cutting, trapping, town work on roads and in woodlots to earn the relief food, odd jobs when you can find them. Depending on the locality, the women may work off and on while caring for the home and children at basket weaving, bead crafts, and buckskin sewing. The white tourist will be outraged by the price, which broken down, may have brought an Indian family a wage rate of 10¢ to 25¢ an hour.

The Indian health record in Wisconsin is far below that of whites. Indian service officials do not have readily available statistics—although Indian health is one of the service's prime functions—but they thought it was good.

"The Indians of Wisconsin have a better health service than the average white, believe it or not," said Jesse C. Cavill, general superintendent of the Great Lakes Consolidated Indian agency at Ashland, in charge of about 19,000 Indians in Wisconsin, upper Michigan, and Iowa.

Statistics of Dr. Allan Filek of the state board of health show a different picture. They are for 1945-47. On a comparison with whites, the figures show that the Indian birth rate is slightly higher, infant deaths are two and one-half times higher (75 of every 1,000 Indian babies die in their first year, compared to 29 for the state as a whole).

Pneumonia Toll High. Indian mothers die at the rate of 2.9 per 1,000 live births, compared with 1.2 for white mothers; 94 of every 100,000 Indians die of pneumonia, compared with 34 whites; the Indian death rate from tuberculosis is six times that of whites, but the Indian death rate from heart disease, cancer, and cerebral hemorrhage is lower than that of the whites . . . .

Reservation Doesn't Mean Snug Security. . . . Hunting and fishing the year around? Just step out the backdoor of your shack and bag a deer? Drop a line and pull up a Muskie? Not quite. Fish and game are no longer on the reservations in great numbers. You must walk many miles to kill a deer, and when the big snow comes and the deer go deep into the swamps, it is very tough work, even on snowshoes, to find them.

Relief Is Public Problem. Relief is handled on the town or county system, just as it is for whites. Some towns strongly resent the financial burden placed on them by down and out Indians, but at the same time make no objection to giving relief to whites. But the Indian has the same citizenship status as a white man, even though he may contribute little to the economy of the community.

George M. Keith, director of the division of public assistance of the state public welfare department, estimates that fewer than half of Wisconsin's Indians need some kind of financial or medical help. Overall, that figure might be right although Keith is asking all county welfare departments for exact figures. But on a reservation basis, the figure is probably low.

If a town or county is in such a bad financial situation that it can't take care of needy Indians and whites, it can get money from a special emergency fund, just as the town of Sanborn in Ashland county has done. Forest and Florence counties also are getting such help. Failure to request special funds is taken to mean that everything is all right . . . . (*Milwaukee Journal*, February 12, 1950)

Indians Prone to Ills Because of Faulty Diet: Lac Courte Oreilles Is Hit Hardest; Church Gives Aid, but More Funds Are Needed

. . . The chief income for this family is George Wade's $50 a month old age pension. He was very glad to become 65.

Mrs. Wade sits at a table. There are saucers of beads on the table, and she is working at a small wooden frame over which threads are stretched. Most of the women at Reserve and at the poorer community of New Post, 13 miles away, are at the moment doing the same thing.

They are making strips of beads about 1 inch wide and 30 inches long. The strips will be sewed to leather belts and sold to the summer tourists in the novelty stores in Hayward and other resort towns. Mrs. Wade sells her work to a white woman living just off the reservation, who sells the strip to a belt company. The white woman furnishes the beads and thread. The beads have been counted, and broken or defective beads must be returned so that there can be no chance of the women selling their work directly to the tourists.

Work at Harvests. The pay for this, one of the main "industries" of the Courte Oreilles reservation? It is 25¢ a strip. As the Indians tell it, one woman, if she works hard all day and pays not [any] attention to the home children, can make three.

At the white stores, the belts cost $3 and up.

In the summer, the Chippewas at Courte Oreilles pack up and go to the Door peninsula to pick cherries, or farther north to pick strawberries. They also follow the bean, potato, and cranberry harvests. Some guide for fishermen. Others work at summer resorts as handymen or the women as maids. There is some town road work, and some federal blister rust control work. Some gather wild rice.

"But you can't save enough for the winter," they say . . . .

Skinny Winter Deer Provide Little Food. . . . Few homes at Courte Oreilles have electricity. Kerosene lamps provide light. There are only a couple of telephones. Water must be brought from one of several community pumps. Toilet facilities? The privy is at the rear of the house.

Deer are not much of a source of winter food at Courte Oreilles. The heavy snows drove them far into the swamps, and their meat is strong from eating bark and pine needles. When you can get through the deep snow, a deer can be a good source of income. The white man will buy it, but you are a violator and the game warden cannot be very understanding.

At Reserve, "The Farmer" says that the Indians have a way of taking care of each other, of sharing what they have. "The Farmer" is Walter M. Bagley, district agent for the Indian service. He is liked by most of the Indians. The title derives from the old treaties which gave reservation Indians the service of "a farmer" or advisor on agriculture.

Bagley has some surplus commodities—potatoes and cans of dried eggs—in a back room, but not nearly enough. One day the newspapers had stories about how the federal government was going to dump 50 million bushels of surplus potatoes. But there are no Indian service funds to pay for shipping them to the reservation.

Although the Indians believe that Bagley is doing all he can to help them, they look with some suspicion on the Great Lakes Consolidated Indian agency at Ashland. The agency oversees Indian affairs, except for the Menominees, in Wisconsin, Michigan and Iowa. Jesse C. Cavill is the general superintendent. Many of the things the Indians complain about are the result of policies made in Washington, D.C., he says. He explains that the agency funds are strictly earmarked and he cannot spend them for such things as food, even though it may be needed badly.

Actually, the agency did provide a small relief fund by a year's end saving in other funds. Most of it went to Courte Oreilles, Cavill said, but other reservations needed it, too.

Children Get Lunches. The amount of food on hand at Bagley's headquarters at Reserve was pitifully small. Bagley issues it in an emergency basis, often to tide over a hungry family before it receives relief food through a joint tribal town fund.

From time to time, there have been surplus commodities. Many Indians did not know until very recently that they could get surplus foods and federal relief packages.

The school free lunch programs are a godsend to underfed Indian children. No matter what the condition at home, they are assured of at least one substantial meal a day . . . .

Hospital Is Near By. . . . There had not been an unusual amount of sickness at Courte Oreilles this winter. The fine Indian agency hospital at Hayward, with its one doctor, is near by. The doctor is far too busy to get to Courte Oreilles, but the one ambulance is available for emergency cases. However, it is not always on hand. It also is on call for all reservations in Wisconsin, and the hauls may be 100 miles or more. If you do not own one of the old jalopys that clank around the reservation, you must pool up with friends to pay a neighbor to drive you to Hayward. The total cost may be $5 to $7, and your share $1. The one dollar, even if you have one, is needed badly for food.

So you don't go to the Hayward doctor. (*Milwaukee Journal*, February 13, 1950)

Bad River Land Pretty, but Won't Raise Food: Made Work Project in Cemetery Is Principle Source of Income for Men in One Area

Jobs Rare at Bad River. . . . The Lac Courte Oreilles people are in worse shape, but not much.

There is virtually no work at Bad River. The painters and the carpenters are jobless. Six men are section hands on the railroad, and if there is heavy snow, a half dozen more may get short term jobs. A few work in the wood processing plant and the paper mill at Ashland. There are three Indian service mechanics, and a few part time employees of Odanah stores.

Some winters many men get work cutting pulpwood. But there has been no market for pulpwood in the area for almost a year. To complicate matters, men are returning to the reservation in increasing numbers. They have lost their jobs in the cities.

There are 1,275 Chippewa names on the tribal roll at Bad River, but the guess is that there are no more than 1,000 persons on the reservation. Most of them live in the north, along highway 2 and at Odanah.

The flood scene at the Bad River Reservation is repeated annually. It gives weight to the Indians' request for flood control. Governor's Commission on Human Rights, Handbook on Wisconsin Indians. *Madison: State of Wisconsin, 1952, p. 16.*

Some Homes Condemned. Only a few homes at Odanah have electric lights. Virtually none have inside toilets. Water must be hauled from several community pumps. Although there is a serious housing shortage, with many families doubled up, there are about 10 boarded up homes. Some have been condemned as unfit for human habitation, but others are empty because their owners are working in large cities.

The man to see is Al Arbuckle. He is 35, chairman of the tribal council and chairman of the broke town of Sanborn. He knows everyone in the area, and as you drive along the streets he rattles off the economic conditions, number of children, amount of relief and the working ability of every family. "I don't see how it could be any worse," Arbuckle says. "It is always bad, but this winter has been the worst. I don't know what we'd do if we didn't have the project."

Cemetery Project Is Economic Core. "The project" is made work at an Indian cemetery, about a mile out of town. Tombstones have been straightened, brush on the graves cut down and more brush on a 40 acre adjacent tract whacked off. The byproduct, fuel wood, is distributed to the needy.

"The project" is the economic core of the community.

There are 89,500 acres in the town of Sanborn. But only 11,300 are taxable. Their value with improvements and personal property amounts to $116,000. Sounds good, doesn't it? $116,000. But much of the land is no good, covered with swamps and cutover, brush and scrub. The total tax should be $7,902, Arbuckle says, but, because of the delinquencies, actual tax collections are about half that. So $4,000 is the total tax income of the town of Sanborn. Many Milwaukee wage earners make that amount for one family.

Family Size Sets Wage. There are various state aids to help the town of Sanborn, but they were not enough. So the town went to the state emergency board a year ago, and in the town totaled $19,000. Now the average monthly expenditure is about $3,000.

With this money, the little town operated its pitiful "project."

Not everyone gets a chance to work daily on the project. A man is rated on the number of mouths he has to feed. One man with a big family gets 160 hours a month. He earns 70¢ an hour or $112 a month—about $26 a week. Other men work as few as 26 hours a month—$18.20.

No one can get on the project until he has used his last resources. The wages are paid once a week by check, and the town board had instructed the Odanah stores that they may not sell anything fancy to relief recipients . . . just staples and starches.

The surplus commodities—mostly potatoes—have come into the reservation. There was one shipment late last fall and another late in January. It has not been nearly enough to help much . . . .

Summers Don't Improve Economy. . . . In most Indian communities, things are easier in the summer. There are more jobs. But the summers do not bring much economic sunshine to the Odanah Chippewas. Some men sail the Great Lakes on ore and coal boats. Others work on the coal and ore docks and on railroad section crews. A few follow the harvests, especially as bean pickers.

Can't Afford Curing Diet. Let's visit some of the people.

This old woman lives on an old age pension of $27 a month. Her son has a shaky job in Milwaukee, but he is able to send her $10 "now and then." The woman has high blood pressure and rheumatism, and the doctor has told her she must drink much fruit juice. She has bought none. She can't afford it.

"Ah, this is worse than the depression," Arbuckle says. "Then, at least, there was WPA and everyone had work."

In this little house an Indian service mechanic supports his wife, two children and an aged father on $37 a week.

This old bachelor has only himself to feed, and he is lucky. He has an old age pension . . . .

The Red Cliff reservation takes up the scenic tip of the Bayfield peninsula, the northernmost part of Wisconsin. It is the smallest of the Wisconsin reservations, and the Chippewa tribal roll contains only 653 names. The Indian service believes that about 400 people live on the reservation: local estimates are 60 families, about 250 persons.

Conditions are better at Red Cliff than Odanah. The houses are better, neater. There is more work for the people. There is more saving of earnings. Only a few are on relief, and they are a heavy financial burden on the penniless town of Russell.

Several Indian families operate small farms. Many men are cutting pulpwood, working for whites who are required by the tribal council to hire Indians before they are granted timber rights. Some work in Bayfield and Ashland.

"No One Destitute." "No one is destitute here," says George Gurnoe, Jr., 57, a member of the tribal council.

When a family gets in a tight spot, the town of Russell provides relief food in return for work on town roads and other projects.

Childless Mr. and Mrs. John Buffalo have a spick and span house and are doing all right. John works on the ore boats during the summer and fall, and he saves his money.

The James La Ferniers are making it this winter okay, but it is a tight squeeze. Mrs. La Fernier, 46, works nine hours a day, six days a week in a Bayfield restaurant. She gets $20 a week. James suffered a broken leg last September, and it didn't heal properly. He has been unable to do much work.

As everywhere with the Indians, summers are kinder. Then the men and women of Red Cliff harvest strawberries, raspberries, apples and string beans, and work in the bean cannery. There is off and on work with the commercial fishing boats and the tourist trollers. Then in the fall come the terrific herring runs. Everyone works around the clock—on the boats in the canneries processing, cleaning and packing the fish.

Wanted: Small Industry. Here, too, the Indians would like to acquire a small saw mill or box factory to use the poplar and the few stands of balsam. All the financial bumps would be ironed out smoothly by the pay roll of such an industry, they are sure.

No Indian service doctor has visited the neat agency clinic at Red Cliff for several years, but there are plans to contract with a 75 year old doctor from Ashland for once a week visits. (*Milwaukee Journal*, February 14, 1950)

Flambeau Indians' Pay Goes with Summer Sun: Outdoor Guides Make Money From Tourists; Many Spend It Quickly and Require Aid

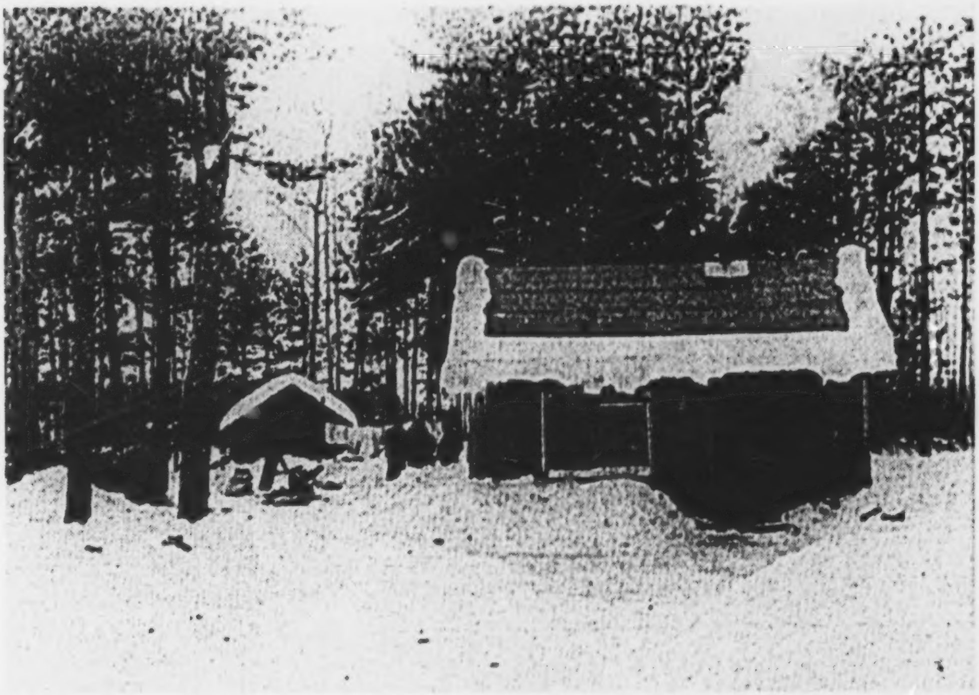
The Lac du Flambeau Indian reservation, in the heart of the northern Wisconsin lake country, is a thriving community when the summer sun beats down and the white tourist's dollar flows freely.

It is different in the winter. Then there is often bleak poverty, few jobs, much relief and a patient attitude of "wait until summer." At that, conditions are better than on may other reservations.

The Flambeau reservation, inhabited by Chippewa Indians, lies in Vilas county. The guess is that between 700 and 1,000 Indians and perhaps 300 whites live there.

The Flambeau Indian is not poor, not by a long shot, in the summertime. Many of the men guide the fishermen, and they may earn $10 to $12 a day, seven days a week. The women work as maids in the resorts, and some of the men work as handymen. There is pulpwood to cut, wild rice to gather, fish to catch and deer to shine.

But in the winter there are only a few woods jobs for the men, almost no jobs in the cities, some ice cutting and trapping. The women work hard at bead and buckskin craft, and they sell to the novelty stores in the village of Lac du Flambeau. There is crafts project at the new and very modern school.



This tarpapered cabin is typical of homes on the Lac du Flambeau Reservation. The interesting pattern of snow on the roof is caused by lack of insulation. Governor's Commission on Human Rights, Handbook on Wisconsin Indians. *Madison: State of Wisconsin, 1952, p. 14.*

Electric Shop Prospered. Year around, though, there are about 40 jobs in the four year old Simpson Electric Co., maker of direct current meters. Most of the employes are women, and they earn 75¢ an hour. That $6 a day keeps many an Indian family in food during the hard winter.

Ray Simpson lives in Chicago, but he has a summer home on Sand lake on the reservation. He came to know the Chippewa Indians, and he did not believe they were bad workers. He knew how it was in the winter, too. He wanted to expand his Chicago company so he set up shop in a good but abandoned schoolhouse in the village. The business has prospered.

"Our Indian employes are good workers," say Harold Redding, 26, manager. "I prefer an Indian any day. The production is better, and the absentee rate lower. Generally, however, the Indian man is not as dependable as his woman."

Twelve of the firm's employes are men. There is no personnel problem except for a new employe. It takes some patience to keep him indoors at a workbench, rather than outdoors in the woods.

The Chippewas who save their summer money do pretty well during the winter. But many do not save. When you got it, spend it . . . . (*Milwaukee Journal*, February 15, 1950)

Scattered Winnebagos Have Varied Fortunes: Some Weather Winter Unaided; Less Frugal Require Relief; Baskets are 'Money'

Many years ago the United States government chose the Winnebago [now known as the Ho-Chunk] Indian tribe for one of the first experiments in "buffer states."

In return for valuable land cessions, the Winnebagos were given hunting and settling rights on a piece of land along the Iowa-Minnesota border. The relatively peaceful Winnebagos didn't know it, but the area was a "no man's land," smack between the warring Sac and Sioux. When the arrows started whistling around them, the Winnebagos came hustling back to their Wisconsin lands.

Many times later the Winnebagos were moved from Iowa to Minnesota to South Dakota to Nebraska as the white decided they wanted their land. Always the Winnebagos longed for and eventually returned to their beloved Wisconsin lands. Many of them walked back from Nebraska.

Shifts Scattered Tribes. The net result was a scattering of families. Now the estimated 1,500 Winnebagos in Wisconsin are scattered from Wisconsin Dells to Black River Falls, along highway 12 and through central Wisconsin to Wittenberg. They have no reservation, although many are settled on lands bought for them by the federal government.

Economic conditions among the Winnebagos are as widely varied as the tribesmen are scattered. The Winnebago and the Oneida Indians (near Green Bay) probably are more assimilated with whites than any other tribe. They live among the whites and many of them "think white."

The largest concentration of Winnebagos—about 300 in 75 families—is in a little village called The Indian Mission, a few miles northeast of Black River Falls in Jackson county. They live on government and church lands.

Baskets Are Money. Here the woven basket is the medium of exchange. It is like a dollar bill, and when you pass it across the counter at the co-operative store, you get groceries that feed you until more baskets are made.

The Winnebagos are the basket makers. The men bring in the good ash logs, warm them, often in the front rooms of their homes, then beat them with axes until the "year rings" of the wood separate. The women cut the separations into long strips and weave them. The men cut and carve the strong handles and frames . . . .

There is always a steady market for the baskets—from $1.30 to $2.90 depending on the size—with the newly established Winnebago Handcraft Co-op. The co-op sells them to church groups and women's organizations on a 10 percent profit margin. Right now it has about $5,000 worth of baskets on hand.

The co-op store at the village does not pay for the baskets in cash because there isn't much cash and because the customers might take their money, walk out and spent it in Black River Falls stores. That is very probable because the prices on many co-op groceries are higher than those elsewhere. The Indians resent the higher prices and grumble about them. Trucking to the village adds to the costs, and at year's end the co-op makes a 4 percent to 5 percent dividend payment to its customers. Those who buy the most groceries and sell the most baskets get the most money . . . .

Bills Grow All Winter. . . . The relief checks from the town of Komensky come once a month and most of the money is spent in town. Almost every family has a charge account at at least one Black River Falls store. The bills mount higher and higher as the winter wears on, but the storekeepers know they will be paid when the summer work starts. Once the men left the village in the winter time and found fairly steady employment in the larger cities. Now they can't find it. During the war many worked in Madison and the Badger Ordnance Works near Baraboo.

A few find off and on jobs as pulp wood cutters. Two families live in Black River Falls, where the men work in a box factory. Some trap muskrats along the Mississippi. Five men have steady jobs in La Crosse, and there are several families in Madison. There is occasional road work for the town.

Village Empties in Summer. In the summer, the Indian mission village empties. Entire families move from harvest to harvest—cherries, strawberries, potatoes, corn, cranberries. Many of the Indians who amuse the tourist in the summer ceremonial dances at Wisconsin Dells are Winnebagos. They earn pretty fair money—maybe $500 to $600 for the summer—and some save it. Too many others do not . . . .

Traplines Pay Off. . . . Mr. and Mrs. Decorah have an elaborate Indian costume wardrobe (one feather may cost $2.50) which they wear at the ceremonial dances for the tourists at Wisconsin Dells. He makes $50 a week then, and she earns somewhat less. He trapped about $105 worth of mink and muskrats in November, and usually his traplines pay off pretty well.

The Decorahs and the others in the area have almost no contact with the Indian service and do not know what the functions of the service are.

Like most of the Indian couples, the Decorahs weave colorful baskets from the ash strips. They sell them in Wisconsin Dells for $2.50. Some women can make up to five a day, once the strips are prepared and dyed.

Decorah deplores the Indian characteristic of "living for the day," not saving, spending the money when he has it.

"Maybe some day when they get older, they'll learn to save," he said. (*Milwaukee Journal*, February 16, 1950)

Oneidas Suffer Hunger Living Among Whites: Contrast in Conditions Is Stark; Tribe has Lost Most of Its Once Great Land Area

Many anthropologists believe that the ultimate answer to the whole Indian problem is complete amalgamation with the whites. If this is true, the Oneidas of Wisconsin should be pretty well on their way to solving their individual problem. But they are not.

Ever since the Oneidas trekked to Wisconsin from New York, their home has been an area surrounding the present village of Oneida, 10 miles west of Green Bay. They live scattered in this are[a], and many whites live among them. No Wisconsin tribe lives as "amalgamated" as the Oneidas.

Yet their problems—jobs, relief, and hunger—are almost as severe as those of any reservation tribe.

It is easy to pick out the Indian homes in and around Oneida. Here is a fine, white farmhouse, barn and silo. It belongs to a white man. There is a log cabin, a shack or a bare, unpainted frame house. It belongs to an Indian.

Lose Jobs in Cities. The Oneidas recall vividly the black depression of the 1930's. Then 1,300 of the 1,500 Indians in the area were getting some kind of relief. It looks to many as though similar conditions are shaping up for them now. Men have lost their jobs in the cities and have returned to their old homes, to a place where there is no winter work, where there is not even a hope.

One of the chief occupations this winter is "brushing" for the towns of Oneida and Hobart. The pay is $8 an acre.

In the summer, many of the Oneidas work for the white farmers. Some follow the harvests and work in the canning factories. A few get jobs on the Green Bay docks. Some are construction and paper mill workers in Green Bay. Others work in the Menominees' fine lumber mill at Neopit.

Tribal Lands Shrink. Once the Oneida lands in Wisconsin were so extensive that the young minister, Eleazer Williams said by some to have been the lost dauphin of France—had grandiose visions of an Indian empire. Gradually, treaties and the government allotment program shrank the holdings to 65,000 acres, then to 35,000 acres. Now, in spite of purchasing by the federal government tribal lands in the area total only 3,000 acres. Most of the Oneidas live on this tribal land.

There is not enough land for any one Indian family to operate a fair sized farm. Very few have cattle. There is almost none with adequate buildings and farm machinery. As a result, many of the Oneidas are truck gardeners. But the market for their produce fell off sharply when the large canneries began growing their own vegetables.

The problem then is to obtain big enough acreage to operate good farms. The tribal council, headed by Julius Danforth, 52, has been trying to get the federal government to buy land from the whites. It also seeks to amalgamate small Indian lands, not being used to their full possibilities, into larger farms . . . . (*Milwaukee Journal*, February 17, 1950)

Selective Logging Give Menominees Good Life: One Tribe Has Worked Out Its Own Salvation; What of the Others? Future Will Tell

Have Fine Timber Stands. . . . It is all because of the timber. Some of the finest stands of white pine and hemlock are on the Menominee reservation, and under selective logging, practiced there for many years, they probably will last forever. The boundaries between the white man's land and the Menominees is sharply defined. The white man's has no timber.

The estimate is that there are 850 million feet of standing timber on the reservation and the annual cut of 20 to 23 million feet only equals the annual growth. The reservation covers almost 234,000 acres.

For such a timber operation, only the most modern equipment could compete on the lumber market. The Menominees use portable, gasoline powered saws in the woods, trucks, tractors and loaders. There even is a two way radio for police work and for keeping in touch with the foresters in the woods.

475 Are Employed. Other Indians, chiefly Stockbridge and Oneida, find employment among the Menominees.

The Menominee tribal council works closely with the federal Indian service in administering the mill and municipal affairs. Federal foresters blaze the trees selected for cutting.

About 475 persons are employed—more in the winter, fewer in summer—in the mill and in the logging operations. Most of them are Indians, although there are a few whites in key positions. If there is a job, it is supposed to go to an Indian first, a white man second. This is a reversal of employment conditions which the Indians say they find off the reservation. More and more men who have lost their jobs in the cities are returning to Neopit and Keshena.

The profitable mill operation has built up the tribal fund to about three million dollars, and there still are enough profits to pay out per capita "dividends." The profits also operate the Menominee schools, government, utilities, a lending agency and health, hospital, relief and pension services . . . .

What is the solution? Everywhere in Wisconsin the Indian thinks that a little factory of some kind would solve everything. But the factory must compete on a "no quarter asked" basis with tough white competitors. Could it? Could the Indian stay off the deer trails and at a workbench?

Where there are such factories—the mill at Neopit and the little electrical meter company at Flambeau—they have been successful. They have proved that the Indian is no different from a white man in working ability and faithfulness. There are lazy Indians and lazy white men. There are Indian drunkards and white drunkards. There are destitute Indians and destitute whites.

The long time solution some day may be the breakup of the reservations and complete amalgamation with whites. But the "sink or swim" school for solving the Indian problem probably would cause a lot more sinking than swimming now. The Indian is not ready and he does not want to lose the federal apron string, flimsy as it may be. The Indian service makes no bones about its plans. It wants to work itself out of business. Many of its original functions, especially Indian schooling and relief, have been taken over by the state and local governments, with federal financial help. The next step is health services, and as soon as possible police jurisdiction. Those changes are coming, and the state and federal governments are working toward them now . . . . (*Milwaukee Journal*, February 19, 1950)

Termination

House Concurrent Resolution 108, August 1, 1953

INDIANS

Whereas it is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship; and

Whereas the Indians within the territorial limits of the United States should assume their full responsibilities as American citizens: Now, therefore, be it

Resolved by the House of Representative (the Senate concurring), That it is declared to be the sense of Congress that, at the earliest possible time, all of the Indian tribes and the individual members thereof located within the States of California, Florida, New York, and Texas, and all of the following named Indian tribes and individual members thereof, should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians: The Flathead Tribe of Montana, the Klamath Tribe of Oregon, the Menominee Tribe of Wisconsin, the Potowatamie Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe who are on the Turtle Mountain Reservation, North Dakota. It is further declared to be the sense of Congress that, upon the release of such tribes and individual members thereof from such disabilities and limitations, all offices of the Bureau of Indian Affairs in the States of California, Florida, New York, and Texas and all other offices of the Bureau of Indian Affairs whose primary purpose was to serve any Indian tribe or individual Indian freed from Federal supervision should be abolished. It is further declared to be the sense of Congress that the Secretary of the Interior should examine all existing legislation dealing with such Indians, and treaties between the Government of the United States and each such tribe, and report to Congress at the earliest practicable date, but not later than January 1, 1954, his recommendations for such legislation as, in his judgment, may be necessary to accomplish the purposes of this resolution.

Freedom from Federal supervision.

Report to Congress.

Passed August 1, 1953. (U.S. Congress, 1953)

Termination of the Menominee Indians, June 17, 1954

The Menominee Indians of Wisconsin were one of the tribes to feel the effects of the termination policy. In 1954 Congress provided for the withdrawal of federal jurisdiction from the tribe, although the law did not take final effect until 1961. After tremendous outcry against the termination policy, the Menominee action was reversed in 1973.

Public Law 399. AN ACT To provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to provide for orderly termination of Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin.

Menominee Indians. Termination of Federal supervision.

SEC. 2. For the purposes of the Act—

(a)"Tribe" means the Menominee Indian Tribe of Wisconsin;

(b)"Secretary" means the Secretary of the Interior.

Enrollment.

SEC. 3. At midnight of the date of enactment of this Act the roll of the tribe maintained pursuant to the Act of June 15, 1934 (48 Stat. 965), as amended by the Act of July 14, 1939 (53 Stat. 1003), shall be closed and no child born thereafter shall be eligible for enrollment: *Provided*, That applicants for enrollment in the tribe shall have three months from the date the roll is closed in which to submit applications for enrollment: *Provided further*, That the tribe shall have three months thereafter in which to approve or disapprove any application for enrollment: *Provided further*, That any applicant whose application is not approved by the tribe within six months from the date of enactment of this Act may, within three months thereafter, file with the Secretary an appeal from the failure of the tribe to approve his application or from the disapproval of his application, as the case may be. The decision of the Secretary on such appeal shall be final and conclusive. When the Secretary has made decisions on all appeals, he shall issue and publish in the Federal Register a Proclamation of Final Closure of the roll of the tribe and the final roll of the members. Effective upon the date of such proclamation, the rights or beneficial interests of each person whose name appears on the roll shall constitute personal property and shall be evidenced by a certificate of beneficial interest which shall be issued by the tribe. Such interests shall be distributable in accordance with the laws of the State of Wisconsin. Such interests shall be alienable only in accordance with such regulations as may be adopted by the tribe.

Publication in FR.

Repeal.

SEC. 4. Section 6 of the Act of June 15, 1934 (48 Stat. 965, 966) is hereby repealed.

Per capita payments.

SEC. 5. The Secretary is authorized and directed, as soon as practicable after the passage of this Act, to pay from such funds as are deposited to the credit of the tribe in the Treasury of the United States $1,500 to each member of the tribe on the rolls of the tribe on the date of this Act. Any other person whose application for enrollment on the rolls of the tribe is subsequently approved, pursuant to the terms of section 3 hereof, shall, after enrollment, be paid a like sum of $1,500: *Provided*, That such payments shall be made first from any funds on deposit in the Treasury of the United States to the credit of the Menominee Indian Tribe drawing interest at the rate of 5 per centum, and thereafter from the Menominee judgment fund, symbol 14X7142.

Management specialists.

SEC. 6. The tribe is authorized to select and retain the services of qualified management specialists, including tax consultants, for the purpose of studying industrial programs on the Menominee Reservation and making such reports or recommendations, including appraisals of Menominee tribal property, as may be desired by the tribe, and to make other studies and reports as may be deemed necessary and desirable by the tribe in connection with the termination of Federal supervision as provided for hereinafter. Such reports shall be completed not later than December 31, 1957. Such specialists are to be retained under contracts entered into between them and authorized representatives of the tribe, subject to approval by the Secretary. Such amounts of Menominee tribal funds as may be required for this purpose shall be made available by the Secretary.

Tribal property control plan.

SEC. 7. The tribe shall formulate and submit to the Secretary a plan or plans for the future control of the tribal property and service functions now conducted by or under the supervision of the United States, including, but not limited to, services in the fields of health, education, welfare, credit, roads, and law and order. The Secretary is authorized to provide such reasonable assistance as may be requested by officials of the tribe in the formulation of the plan or plans heretofore referred to, including necessary consultations with representatives of Federal departments and agencies, officials of the State of Wisconsin and political subdivisions thereof, and members of the tribe: *Provided*, That the responsibility of the United States to furnish all such supervision and services to the tribe and to the members thereof, because of their status as Indians, shall cease on December 31, 1958, or on such earlier date as may be agreed upon by the tribe and the Secretary.

Property title transfer.

SEC. 8. The Secretary is hereby authorized and directed to transfer to the tribe, on December 31, 1958, or on such earlier date as may be agreed upon by the tribe and the Secretary, the title to all property, real and personal, held in trust by the United States for the tribe: *Provided, however*, That if the tribe obtains a charter for a corporation or otherwise organizes under the laws of a State or of the District of Columbia for the purpose, among any others, of taking title to all tribal lands and assets and enterprises owned by the tribe or held in trust by the United States for the tribe, and requests such transfer to be made to such corporation or organization, the Secretary shall make such transfer to such corporation or organization.

Income tax.

SEC. 9. No distribution of the assets made under the provisions of this Act shall be subject to any Federal or State income tax: *Provided*, That so much of any cash distribution made hereunder as consists of a share of any interest earned on funds deposited in the Treasury of the United States pursuant to the Supplemental Appropriation Act, 1952 (65 Stat. 736, 754), shall not by virtue of this Act be exempt from individual income tax in the hands of the recipients for the year in which paid. Following any distribution of assets made under the provisions of this Act, such assets and any income derived therefrom in the hands of any individual, or any corporation or organization as provided in section 8 of this Act, shall be subject to the same taxes, State and Federal, as in the case of non-Indians, except that any valuation for purposes of Federal income tax on gains or losses shall take as the basis of the particular taxpayer the value of the property on the date title is transferred by the United States pursuant to section 8 of this Act.

Publication in FR.

SEC. 10. When title to the property of the tribe has been transferred, as provided in section 8 of this Act, the Secretary shall publish in the Federal Register an appropriate proclamation of that fact. Thereafter individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the members of the tribe, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this Act shall affect the status of the members of the tribe as citizens of the United States.

Rights of minors, etc.

SEC. 11. Prior to the transfer pursuant to section 8 of this Act, the Secretary shall protect the rights of members of the tribe who are less than eighteen years of age, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs, by causing the appointment of guardians for such members in courts of competent jurisdiction, or by such other means as he may deem adequate.

Regulations.

SEC. 12. The Secretary is authorized and directed to promulgate such rules and regulations as are necessary to effectuate the purposes of this Act.

Separability.

SEC. 13. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Approved June 17, 1954. (U.S. Congress, 1954)

Preserving the Menominee Reservation: Letter of Menominee Citizen James J. Caldwell to the Editor of the Shawano Evening Leader

Neopit, Wis.
April 26, 1955

Shawano Evening Leader
Shawano, Wis.

Gentlemen:

I would appreciate it very much if you would print this in your paper as my personal observation and experience.

I am an enrolled Menominee Indian, a life-long resident of the Reservation. I have enjoyed and appreciated the benefits I have derived from the vast treasure left me by my ancestral people—the Menominee chiefs and head men who signed the treaties of 1848 and 1854 whereby this reservation was established. I have had the pleasure of working for the Menominee Mills since 1912, and the consolation of receiving regular paychecks has been the security that the chiefs and head men foresaw and were desirous of leaving for their children. I have enjoyed all these rights as have others who worked industriously enough to rear their families.

I and many more of the Menominee people through the years have received dividends from this rich heritage left to us amounting to approximately $3,000 per person, and yet there is no visible evidence that this Reservation has deteriorated after all these years of providing labor for the tribal residents and other seasonal laborers that usually seek work here. The evidence of good roads, new homes and beautiful scenery that is noticeable as a person drives through the reservation is a reminder that serenity exists for most of the people living here today.

BUT among some of the tribal members a hopeless feeling exists that the termination of Federal supervision (not wholeheartedly accepted by those Tribes affected, nor by the personnel of the Indian Bureau) and the consequent transfer to State supervision and control will bring on a chaotic situation leading to gradual submergence and eventual liquidation. It is my fond hope that the situation can be prevented. But how? We, Menominee people, certainly do not feel that we have a "Moses" that can lead us out of this wilderness. In our recent history we haven't found a leader who can very long hold the confidence and support of the whole Menominee people, because of personal and political reasons, to carry out a program that would acquaint and satisfy the entire Menominee people during the process of gradual separation from Federal supervision.

It is my personal opinion that the Tribe would be much better off if we had continued to hold our general councils at Keshena, where they were traditionally held for many years.

Prior to the General Council of April 2, 1955, the consensus of opinion among the Menominee Mills employees was for demanding division of the controversial funds illegally withheld by the Bureau of Indian Affairs. The General Council of April 2, 1955, has stirred up a hornet's nest, because it was voted to distribute $2,255,000 in per capita payments, PLUS the stumpage money accruing in succeeding years to date of termination in 1958.

The Tribe also has reason to feel aggrieved and alarmed by the action taken by the Bureau of Indian Affairs who revised the Agency staff through abolishing most of the positions, presumably under the Presidential Order of job reclassification and reduction in force recommended by the Hoover Commission. Can this be one of misinterpretation? It is a certainty that the President did not intend that a self-supporting establishment such as the Menominee Indian Mills and Agency was to be included in the reduction in force program. The concern here to the Menominee people is that the program instituted by the Superintendent did NOT create a "reduction in force" nor a saving of money to the Tribe! The positions abolished have been replaced in equal number and nearly all of them at higher salaries, and, in addition, most of the Menominee Indian employees removed under the "reduction in force" are now employed by the Tribe working on programs which were removed from Agency responsibility at the time of the so-called "reduction in force"—all done, presumably, under Public Law 399, the Termination Bill. And has more efficiency been created?

The dissipation of Tribal funds leading to bankruptcy seems to alarm the people of Shawano County. The Tribe does face eventual bankruptcy but more likely under a pending bill in Congress, H.R. 4895 and S. 335 known as the "Competency Bill," which would be a general law affecting all Indian people. This bill provides that any Indian, wherever residing, can appear before a Judge of a legal court and declare himself competent to handle his own business, and if the judge concedes him competent he will grant that person a Decree of Competency. The Secretary of the Interior has no choice but to accede to the dictates of Congress. What would happen to our tribal funds and assets if 100 or more adult Menominee Indians sought refuge under this Bill? It is the feeling of many of us that the Advisory Council had this in mind when a General Council agenda of last year carried this item for discussion and possible acceptance. This matter was also discussed at an informal meeting called by a group of local people shortly after the General Council of April 2, 1955.

The Tribe en masse, before attending the council of April 2, 1955, should have consulted a specialist for inoculation against that contagious disease that affects all human people known as the "Green Back Dollar Bill" disease, true enough. It is a disease that has no cure and every person barring none is susceptible to it. Even the Congress of the United States has lined their pockets with salary increases and increased expense accounts, forgetting the other people who could use additional income as well as they. Even the people of Shawano County extend a glad hand for it without blushing when they receive subsidies from the government. The alarm of our neighbors in Shawano County over our possible bankruptcy is a heart-warming evidence of brotherly love and interest in our welfare but is this for us or for themselves? From the sole standpoint of receiving individually money that is legally our own (if Congress approves) and which does not come out of any taxpayer's pocket, just who is entitled to kick up a fuss?

I certainly do concede that the Tribal group acted hastily on that fateful day and it appears that some may be ready to make amends on more sober consideration. Success of the Menominee transferal can be realized only by wholehearted consideration and appreciation that other Menominees exist and the welfare of one is the welfare of all. The entire Menominee people must be consulted and advised on the ideal course to follow, but if confidence is lacking absolute failure is positive. As a suggestion, the success of the Menominee problem could be accomplished much more amicably by the assistance of unbiased, farsighted citizens of the State whose aim would be to preserve the Menominee Reservation as a business venture of the Menominee stockholders and a landmark for the citizens of the state. Local and state politics-playing must be discouraged, and professional office-seekers or career-employees must not participate in the ground work so necessary for the success of the separation from Federal to State supervision.

As I have said many times, most of us older people are first and foremost vitally interested in leaving for our children the fine heritage, the rights and privileges, the proud future, which our Menominee Wisemen left for us.

Respectfully submitted,
James J. Caldwell
Menominee Citizen

Termination of Federal Supervision: The Removal of Restrictions Over Indian Property and Person

Virtually since the first decade of our national life the Indian, as tribesman and individual, was accorded a status apart. Now, however, we think constructively and affirmatively of the Indian as a fellow American. We seek to assure that in health, education, and welfare, in social, political, economic, and cultural opportunity, he or she stands as one with us in the enjoyment and responsibilities of our national citizenship. It is particularly gratifying to know that recent years of united effort, mutual planning, and Indian self-appraisal truly have begun to bear increasing fruit.

One facet of this over-all development concerns the freeing of the Indians from special federal restrictions on the property and the person of the tribes and their members. This is not a novel development, but a natural outgrowth of our relationship with the Indians. Congress is fully agreed upon its accomplishment. By unanimous vote in both the Senate and the House of Representatives termination of such special federal supervision has been called for as soon as possible . . . .

June 17, 1954—President Dwight D. Eisenhower signed a bill approved by the Eighty-third Congress that signified a landmark in Indian legislative history. By this measure's terms an Indian tribe and its members, the Menominee of Wisconsin, were assured that after a brief transition period they would at last have full control of their own affairs and would possess all of the attributes of complete American citizenship. This was a most worthy moment in our history. We should all dwell upon its deep meaning. Considering the lengthy span of our Indian relationship, the recency of this event is significant. Obviously, such affirmative action for the great majority of Indians has just begun. Moreover, it should be noted that the foundations laid are solid.

Philosophically speaking, the Indian wardship problem brings up basically the questionable merit of treating the Indian of today as an Indian, rather than as a fellow American citizen. Now, doing away with restrictive federal supervision over Indians, as such, does *not* affect the retention of those cultural and racial qualities which people of Indian descent would wish to retain; many of us are proud of our ancestral heritage, but that does not nor should it alter our status as American citizens. The distinction between abolishment of wardship and abandonment of the Indian heritage is vitally important . . . .

Unfortunately, the major and continuing Congressional movement toward full freedom was delayed for a time by the Indian Reorganization Act of 1934, the Wheeler-Howard Act. Amid the deep social concern of the depression years, Congress deviated from its accustomed policy under the concept of promoting the general Indian welfare. In the postdepression years Congress—realizing this change of policy—sought to return to the historic principles of much earlier decades. Indeed, one of the original authors of the Act was desirous of its repeal. We should recall, however, that war years soon followed in which Congress found itself engrossed in problems first of national defense and then of mutual security. As with many other major projects, action was thus delayed . . . .

We may admit the it-takes-time view, but we should not allow it to lull us into inaction. Freedom of action for the Indian as a full-fledged citizen—that is the continuing aim. Toward this end Congress and the Administration, state and local governments, Indian tribes and members, interested private agencies, and individual Americans as responsible citizens should all be united and work constantly. The legislatively set target dates for Indian freedom serve as significant spurs to accomplishment. Congress steadily continues to inform itself, to seek out, delimit, and assist those Indians most able to profit immediately by freedom from special supervision, and it acts primarily to speed the day for all Indian tribes and members to be relieved of their wardship status. A basic purpose of Congress in setting up the Indian Claims Commission was to clear the way toward complete freedom of the Indians by assuring a final settlement of all obligations—real or purported—of the federal government to the Indian tribes and other groups . . . .

The basic principle enunciated so clearly and approved unanimously by the Senate and House in House Concurrent Resolution 108 of the Eighty-third Congress continues to be the over-all guiding policy of Congress in Indian affairs. In view of the historic policy of Congress favoring freedom for the Indians, we may well expect future Congresses to continue to indorse [sic] the principle that "as rapidly as possible" we should end the status of Indians as wards of the government and grant them all of the rights and prerogatives pertaining to American citizenship.

With the aim of "equality before the law" in mind our course should rightly be no other. Firm and constant consideration for those of Indian ancestry should lead us all to work diligently and carefully for the full realization of their national citizenship with all other Americans. Following in the footsteps of the Emancipation Proclamation of ninety-four years ago, I see the following words emblazoned in letters of fire above the heads of the Indians—*THESE PEOPLE SHALL BE FREE!* (Watkins, 1957)

*Comments of Former Menominee Tribal Chair Jim Frischetti to author Stan Steiner, c. 1968**

In years past the Menominee Tribe of Wisconsin had run a huge and productive tribal sawmill, where hundreds of tribesmen were employed. Men were kept on the payroll whether they worked well or not. And they were paid regularly for irregular hours.

"If a man had a family, his family had to eat," said the old former tribal chairman, Jim Frischetti, shrugging. "What could we do? Punish the children because their father was a poor worker? That would be inhuman."

In spite of this, the sawmill was so successful that the government decided the Menominee Tribe had made it in the ways of the business world. Congress voted to terminate the reservation. The tribe's members, promised an inducement of a few thousand dollars per family, agreed. The Menominee Reservation became Menominee County, the tribal sawmill became a business corporation, and the communal hiring system was updated by a time-studied, cost-accounted personnel policy. In the process the sawmill was placed in the hands of non-Indians; five of the nine new board of directors members were bankers and industrialists. Laggard Indian workers were fired and production was speeded up. The sawmill, having dissipated several million dollars, has since been reported nearing bankruptcy.

"We were fooled," Frischetti nodded with melancholy. "But we are not fools. We were fools, maybe, to vote for termination. We have learned to respect our own ways again. Our way of work worked better for us than your way. We forgot the Indian way." (Steiner, 1968)

*The Sons of Weese-coh-seh: Menominees Asked Little, Feel They Received Less***

> Before the white man came to Wisconsin, the Menominee Indians had a name for the state—Weese-Coh-Seh. It means "a good place in which to live."
>
> In view of the recent takeover of the Bureau of Indian Affairs in Washington, D.C., *The Milwaukee Sentinel* decided to take a look at what life is like for Indians in Wisconsin today.
>
> A *Sentinel* reporter is touring reservations and settlements to find out if the promise of Weese-Coh-Seh holds true. This is the second in a series of articles that will appear from time to time.
>
> Thursday, November 13, 1972.

Neopit, Wis.—Archeologists tell us that the Menominee Indians lived on the land west of Lake Michigan five centuries before white settlers came to what is now Wisconsin.

Historians tell us that it took only 30 years for the vast holdings of the Menominees—9.5 million acres in all—to become the property of white men.

All of this was accomplished through "agreements." No blood was shed. No wars. The peace loving Menominees, the oldest continuous residents of the area, entered into a series of treaties with the U.S. government with little resistance.

All they asked in return was that they be given a portion of their land to live on. The government responded by trying to force the Menominees out of Wisconsin altogether by banishing them to Minnesota's Crow King country.

Chief Oshkosh refused to move.

And so the Menominees were granted a 234,000 acre parcel of northern Wisconsin wilderness land that was to be their reservation. In 1954, however, Congress passed a modern day "treaty," the Menominee Termination Act, and, in 1961, the reservation was gone and Menominee County was born.

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* Reprinted by permission of Vera-John Steiner.

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Many Menominees now see the conversion of reservation to county as another link in the long, agonizing chain of white trickery.

As soon as the land became a county, Menominees ceased being recognized by the federal government as an Indian tribe.

"If we were to qualify as Indians, at least we would be getting various aids," said Gordon Dickey, Sr., a member of the board of directors of Menominee Enterprises, Inc. (MEI), the complex corporation that was set up to administer tribal assets.

"Termination was premature and not properly planned. I still feel like Uncle Sam failed his obligation to Menominee people. If the government was sincere about termination being the end of our problems, they would have helped us build an economic base," Dickey said.

Since termination:

- The county has been hit by a job crisis, forcing Menominees to move from their "protected" homeland to find work in the big cities.
- The Menominee Forest—the area's major asset—has lost its tax free status, putting a crashing burden on the county's taxpayers.
- Some of the former "protected" reservation land has been sold to non-Menominees as vacation property through the controversial Legend Lake Project.

A housing shortage has cramped many families into rapidly deteriorating houses.

"There's poverty here," said Mrs. Merceline Sanapaw, 59. "So what? There's poverty all over the United States."

Mrs. Sanapaw lives in a crumbling two story home with her husband and nine children and grandchildren. The family income is $550 a month.

"This was the second house ever built in Keshena," said Mrs. Sanapaw. The house was moved many years ago into the forest that borders Keshena.

Condition Accepted. "The steps are hallowed out. There's no indoor plumbing. If I could get a better home, I'd appreciate it very much, but I just can't. We gotta accept it," said Mrs. Sanapaw.

Large families have the most trouble finding adequate housing in Menominee County. Housing financed by the Department of Housing and Urban Development (HUD) is helping, but many say that it is coming too slowly.

Of 470 families living in Menominee County in 1970, 278 received welfare assistance. Welfare Department officials said the ratio hasn't changed much since then—the population has grown and so have the welfare rolls.

"I have a hard time distinguishing what is poverty and what is part of the Menominee heritage," said Mrs. Ruth Waukau, 26, a white social work supervisor. Mrs. Waukau is married to a Menominee.

"Many families don't have indoor plumbing or running water or electricity. But some are comfortable without it," said Mrs. Waukau.

Housing, Jobs Listed. She said that housing and jobs were the most critical problems facing the county.

To Mrs. Shirley Daly, of Determination of Rights and Unity for Menominee Stockholders (DRUMS), reversion to reservation status is the only way out.

"Even if we had to go back to the way we were, we had more rights then than we do now. Right now we have nothing," Mrs. Daly said.

"Before termination, we had a say in the running of our affairs. Now there's 11 people that have control," she said, referring to the MEI board of directors.

Dickey also favors the Menominee Act, a bill that has been introduced in Congress by Rep. David R. Obey (D-Wis.) and Sen. William Proxmire (D-Wis.).

The bill would:

- Repeal the act terminating federal supervision over Menominee property and tribe members.
- Reinstitute the Menominees as a federally recognized Indian tribe.
- Restore federal services furnished to other American Indians.

Some here oppose restoration, saying that the Menominees can make it as a county given time and proper financial aid.

"I own what I got now," said Mrs. Irene Mack, of Keshena." I don't want to go back to the days when I have to get permission to get a tooth pulled or a new pair of shoes or a new roll of toilet paper. They're likely to tell me to go get a corncob."

Structure Alien. But to most Menominees, the corporate structure of MEI is alien to Indian culture and they prefer restoration.

They tell the story of Chief Oshkosh, who received a top hat and formal dress coat from Wisconsin Gov. Dodge after the Treaty of Cedars in 1836.

"Don't I look awful?" said the chief, dressed in white man's clothes. "This is the way the white man's law fits the Indian." (Wilk, 1972)

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Wisconsin's Urban Indians

by Donald L. Fixico

American Indians in Wisconsin live on reservations and in urban areas. Today, more than half of the 40,000 Indians in the state live in cities. These "urban Indians" reside in virtually every city in the state, with the largest numbers in Milwaukee, Madison, La Crosse, Green Bay, and Superior.

Most of the urban Indians are members of the 11 historic tribes and bands of Wisconsin, in addition to the many Indians who belong to other tribes and communities. Indians have lived in the state's towns and cities since the middle of the nineteenth century. After the 1870s, federal policy forced Indians off their reservations when the government allotted their traditional lands. The Dawes Severalty Act of 1887 hastened this loss of land, compelling many more Indians to seek jobs and homes in the towns and cities. The Oneida Indians, who have a reservation near the city of Green Bay, exemplify how allotment caused the urbanization of their people. Established according to the treaty of 1838, the Oneida Reservation comprised nearly 66,000 acres. By 1930, only 1,000 acres remained under tribal control. Similar results of the allotment policy occurred on the six Chippewa reservations in Wisconsin.

The turn of the century witnessed a small number of hopeful Indians moving to towns and cities for better living conditions and economic opportunities. But some tribes did not have reservations in Wisconsin until the twentieth century, such as the Forest County Potawatomis and the Mole Lake and St. Croix bands of Chippewas. Members of two other tribes—the Ho-Chunks (formerly Winnebagos) and the Wood County Potawatomis, which have some trust lands but do not have reservations in Wisconsin—often lived in or near urban areas out of necessity.

Despite the rapid loss or lack of reservation lands, the number of Indians living in the cities before 1910 remained small. The low number of urban Indians may actually be a methodological problem with the census. American Indians did not receive their own classification in the Wisconsin censuses until 1890. In addition, many of the Indians who lived in the cities probably distrusted the census workers; and like today, the lower socioeconomic groups are often miscounted.

Postwar Restlessness

World War I and the postwar years saw the first significant influx of Wisconsin Indians to large cities, especially from 1915 to 1920. Many Indians left their rural or reservation homes to participate in the postwar boom taking place in the cities. Approximately 10,000 Indians from across the nation served in World War I, and many of the Wisconsin Indians who had actively participated found that the war had changed their lives. Like so many others who came from non-urban backgrounds, many Indians felt confusion and an overwhelming restlessness. Lacking stability on their traditional homes, they sought refuge in the city. Some drifted back and forth between Wisconsin cities and their former homes on the reservation, trying to re-establish their lives.

For Indians in Wisconsin, prosperity did not follow the boom years of the war, and the Great Depression of the 1930s slowed the flow of Indians to the cities. Poor economic conditions affected both reservation and urban areas. During these depressed years, Indian people rediscovered the important aspects of friends and families when surviving pressing times. Indians who chose city life often tried to duplicate their traditional support systems by forming Indian organizations. In the process, they formed intertribal social organizations and politicized themselves when necessary. For example, a group founded an organization called the Consolidated Tribes of the American Indian in Milwaukee in the 1930s. This group and similar ones served the important function of serving as social centers for urban Indians, where they could share survival skills and information about urban living.

Urban Policies

The movement of Wisconsin Indians to the cities before the 1940s was not the intended result of government policy to "urbanize" the Indians. While the goal of many government programs attempted to assimilate Indians into the larger mainstream society, it intended for Indians to become farmers, not factory workers. The curricula of government schools for Indians emphasized the agricultural arts and the domestic sciences until the second decade of the twentieth century. The government intended that Indian children who received such an education would return to "Americanize" the reservations and Indian communities.

The results of the urbanization programs varied. Wisconsin Indians, like other Indian youths all across the nation, found that when they returned to their traditional communities, they were not totally accepted by their people because the government schools had forced them to ignore tribal ways and culture. Skills laboriously learned at school were of little use at home. Some of the young Indians found their skills needed in the cities, and others pursued practical vocational training at urban jobs.

Yet the depression of the 1930s forced many unskilled Indians back to reservations and prevented many from even attempting to relocate to the cities. It seemed impossible, during such financial hardship, to save enough money to survive in the city while looking for, and ultimately finding, a job. At this time, some nonurban Indians benefited from government programs targeted at the reservations and at Indian communities, while urban Indians were overlooked. The Civilian Conservation Corps had an Indian Division (CCC-ID), which put Indians to work on public projects—building roads, schools, and similar facilities throughout 17 states.

World War II Industrial Boom

World War II represented a turning point for Indians in Wisconsin and elsewhere. Across the nation, the increased demand for labor in the war industries drew as many as 50,000 Indians to cities for jobs. Badger Ammunition Works, located north of Madison, for example, provided

Indian machinist practices his trade and receives vocational training upon relocation from his reservation to a Wisconsin city in the early 1950s. From the Governor's Commission on Human Rights, Handbook on Wisconsin Indians. *Madison: State of Wisconsin, 1952, p. 49.*

hundreds of new jobs, and many Ho-Chunks living in the surrounding area moved there to help the war effort. Many Indians had gained employable experience from working in the CCC-ID and companies quickly hired them. Women as well as men worked in factories to make uniforms, jeeps, and other war goods, causing the urban Indian population to rise dramatically.

As in World War I, many Wisconsin Indians participated in the armed forces during the Second World War. Many volunteered, while others were drafted. Military service provided job skills better suited to urban life, convincing many veterans to stay in the cities upon their discharge from active duty. Again, a world war caused tremendous changes and influenced American Indians. The war altered many Wisconsin Indians' view of the world, and contributed to their move to the city.

But it was more than economic opportunity and changing perceptions of the world that brought American Indians to urban areas. By the end of the war, the government began to formulate a new Indian policy that encouraged the relocation of Indian people from reservations to major cities for employment opportunity. Tribal leaders viewed relocation as a larger effort by the government to "terminate" the federal government's trust responsibilities to Indians. The government hoped that if it offered relocation assistance to the Indians who were living on the reservation or in Indian communities, many Indians would move to an urban area, find a job, and quickly assimilate into the urban mainstream. In 1952 the federal government officially introduced the relocation program to all Indians and maintained it until the early 1970s when it became known as the Employment Assistance Program.

Gatekeepers and Relocation

During the 1950s and 1960s, relocation officers encouraged as many Indians as possible to apply for relocation to major cities. Many Wisconsin Indians went to Milwaukee; others relocated to Chicago, Minneapolis, or St. Paul. Many refer to the first Indians to urbanize under the relocation program called "gatekeepers" or "cultural brokers." They frequently helped other Indian migrants, sharing knowledge acquired from such negative experiences as being stereotyped, discriminated against, and called names. The gatekeepers had learned the essential skills of adapting to the alien urban environment of the American mainstream. Survival in the city became a new challenge: the urban Indian had to learn to deal with a different culture and new values, while co-existing as a minority with the dominant society.

The relocation program, like other federal efforts of the Eisenhower administration in the 1950s worked to shed trust obligations via termination of tribal status for more than ten tribes, including the Menominee. Other termination efforts included Public Law 280 which granted six states criminal and civil jurisdiction over the Indian reservations within their boundaries, and the transfer of the Indian Health Service to the Public Health Service. The flaws in these federal efforts caused serious problems for Indian people. While the relocation program provided the first month's rent and help to find a job for the relocated person, little assistance followed to help smooth the drastic transition from reservation life to an urban environment. Relocated Indians often had little opportunity for advanced or even vocational education, which limited them to jobs of low pay, menial positions, or seasonal work. Though the U.S. Congress enacted vocational and education laws to improve Indian vocational opportunities in the cities, many Indians did not trust the federal government because of its present termination policy and its past injustices.

Once away from the reservation, relocated Indians found themselves isolated from some of the benefits of the reservation. Indian health care on the reservations, although usually underfunded and overcrowded, at least offered services. In the city, Indians received little health care, as they faced confused state and local regulations, which made it difficult to tap into the mainstream's welfare system. Low-paying jobs for the newly arrived Indians forced these urban immigrants into poor or substandard housing. To add to these problems, Wisconsin Indians who lived in urban areas faced prejudice and cultural stereotyping that damaged their self-esteem and often precluded them from the better-paying jobs that they desired.

The cycle of despair for life in the city for the Indian often seemed overwhelming. Lack of educational and vocational opportunities meant that many Indians were poorly paid. Poor pay forced them to live in poorer areas of town. Such neighborhoods generally had fewer educational resources, creating similar problems for the next generation of Indians in the city.

1960s and Optimism

The 1960s offered hope and optimism. Indian affairs under the administrations of John F. Kennedy and Lyndon B. Johnson involved a series of programs to help Indians on reservations and in cities. Money allocated for job training increased almost yearly, and the government strove to make higher education available for Indians in need of assistance. Some of the programs during Lyndon Johnson's "War on Poverty" in the late 1960s aided and continued into the 1970s. For example, Health, Education, and Welfare (later Housing and Urban Development) offered a variety of opportunities to help Indian communities among other groups in need who lived in urban areas. In the 1980s, groups and agencies applied for these grants to improve educational opportunities, update or replace substandard housing, and fund community action and support programs.

Since the first gatekeepers of urban Indians, Indians themselves have become increasingly vocal and active in the last 25 years, advocating for needed political and social changes. Indian efforts have strengthened the sense of community in the cities by expanding Indian centers, programs, and support groups. While these groups are intertribal and becoming more pan-Indian in nature, the growing population of some tribes in the cities has allowed for groups to operate solely in the interests of one tribe. The Chippewas have a club in Milwaukee that not only builds a sense of Chippewa community in the city, but also provides opportunities to teach the language and culture to Indians who live away from tribal centers. The Indian Community School also exists in Milwaukee, Wisconsin's largest city and the home of the state's largest urban Indian population. Founded in 1971, the school faced years of economic uncertainty until the Forest County Potawatomis recently pledged 40 percent of their gaming revenue to support the school. The school and its impact on the Indian community in Milwaukee are likely to grow as the funds are received.

The pan-Indian centers remain as support centers to assist Indians in improving their economic and social conditions and to push for an effective political voice. In the late 1960s the Red Power movement emerged, and Wisconsin Indians played an active role, in Wisconsin and throughout the country. The American Indian Movement (AIM) and other groups helped increase political pressure to benefit the Indian population in Wisconsin, and made the American Indian increasingly visible to the larger non-Indian society, who often ignored this minority group.

Urban Life Today

While these pan-Indian movements are important in raising the visibility of American Indian concerns, they also provide leadership opportunities and experiences for Wisconsin Indians. These experiences are important not only in urban areas, but also on the reservations and in the traditional Indian communities since urban Indians and reservation Indians maintain close ties. Many of the leaders of the tribes in Wisconsin today have benefited from the experiences that they gained in urban areas.

The urban Indian population of Wisconsin faces many challenges as the new millennium approaches. Wisconsin's urban Indians must compete for a share of the continually shrinking funding appropriations from federal and state sources. Efforts must be continued by Indian people and support groups with applied pressure on politicians so that their concerns for adequate housing and education are addressed. Perhaps just as important are these groups' efforts to maintain their own educational efforts so that native Indian cultures and languages, and the sense of community are taught to their children because these are the strengths and keys for the "gatekeepers" for the twenty-first century.

There is cause for optimism for the urban Indians of Wisconsin. Improved educational opportunities for and attention to the sometimes unique needs of Indian students offer hope that the cycle of poverty may be broken. As tribes benefit from gaming income, many of them have made sure that their urban members have benefited as well. Job opportunities and the benefits that gaming provides for the tribes, like improved tribal health care facilities and

Pow wows have played an important role in enabling Indians located in urban areas to reinforce their Indian identity. Menominee pow wow dancer Alan Caldwell is depicted here. Photograph by Jason Tetzloff.

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economic development on tribal lands, should help maintain urban Indian ties to their traditional communities and reservations. All of these factors, along with the demonstrated adaptability and resilience of Wisconsin Indians who have chosen to live in the city, mean that there will continue to be a vital and diverse urban Indian population in Wisconsin.

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Indian Resurgence: From Termination to Self-Determination, 1961-91

by Robert Brown

The past 35 years have seen a virtual revolution in the way American Indians relate to the dominant mainstream society that surrounds them. This is as true in Wisconsin as anywhere in the United States. Reacting to the threat posed by federal policies aimed at eliminating their culture through forced assimilation, American Indians in growing numbers have come to reject their former passive ways in favor of a more confrontational approach and a more strident assertion of tribal sovereignty.

American Indian Chicago Conference

For many, the first steps along the path toward pan-Indian activism and self-determination were taken during the American Indian Chicago Conference (AICC), which was held June 13 through 20, 1961, at the University of Chicago. The AICC was the brainchild of Sol Tax, a professor of anthropology at the University of Chicago who had been studying American Indians and their history for nearly 30 years. The conference occurred at a critical time in the relations between the U.S. government and American Indians. The survival of Indian tribes was being seriously threatened by federal policies adopted during the 1950s, particularly the termination of tribal trust status and the relocation of American Indians from reservations to urban areas.

At the AICC, nearly 500 American Indians from 90 bands and tribes worked together to secure their rights and improve life for all Indians. While not the first intertribal conference to discuss common political concerns, the AICC was unique in its size, scope, and impact. It occurred at a time that was ripe for the wide diversity of American Indians to come together to assert their commonality.

The *Declaration of Indian Purpose*, the document for which the AICC is historically noted, was evidence of the ability of Indians to participate in the American political process. The main body of the declaration was divided into sections exploring specific problems—such as education, housing, welfare and legal jurisdiction—and included recommendations for their solution. There also was a section decrying the termination of Wisconsin's Menominee tribe, which occurred just before the AICC. A consistent theme throughout the declaration was an insistence that American Indians participate in planning and implementing the programs that affect them. The policies of John F. Kennedy and subsequent presidents are evidence that that message got through.

The AICC served as a springboard for an American Indian movement for self-determination. The gathering of hundreds of Indians from 90 tribes and bands sparked an intertribal energy that lives on today. Evidence of that energy was the subsequent establishment of new intertribal organizations that remain important. One organization, the Great Lakes Inter-Tribal Council, was formed by the tribal governing bodies in Wisconsin just months after the AICC and has played a key role in advances made by Wisconsin Indians ever since.

But the AICC is most significant for bringing together American Indians, particularly young Indians, who would join in a political activism that gained courage and inspiration from the concurrent civil rights movement among African-Americans. A group of Indian college students and recent graduates who met at the AICC convened two months later in Gallup, New Mexico, to found the National Indian Youth Council (NIYC), an organization committed to mobilizing "Red Power" to express Indian discontent and to defend, through radical means, the rights of all Indians.

Positive Changes in Programs

One ramification of Kennedy's announced intention to deal more favorably with American Indians was the September 26, 1961, appointment of Philleo Nash, a former lieutenant governor of Wisconsin, as the new commissioner of

Indian affairs. Before he was succeeded by Robert L. Bennett in 1966, Nash reestablished Indian trust in the Bureau of Indian Affairs. Bennett, appointed by President Lyndon B. Johnson, was an Oneida from Wisconsin and the first Indian to head the BIA in nearly a century.

Johnson's "War on Poverty" and "Great Society" programs produced many benefits for American Indians, most significantly, allowing Indian supervision of programs affecting them. Under such legislation as the Economic Opportunity Act of 1964, tribal governments became responsible for overseeing millions of dollars worth of programs designed to rejuvenate reservation life. The Indian Education Act of 1972 established an Office of Indian Education in the Department of Health, Education, and Welfare, which provided benefits to non-reservation Indians who generally were not served by the BIA-run Indian schools. Through these and other programs, the role of the BIA evolved from one of supervising activities among the tribes to one of advising tribal leaders as they strove to determine their own futures.

Special provisions of the Civil Rights Act of 1968 ensured the authority of tribal governments and tribal courts on reservations, even if their decisions were contrary to parts of the U.S. Constitution, including the First and Fourteenth Amendments. The act also limited state jurisdiction on reservations by amending the controversial Public Law 280.

In Wisconsin, the Great Lakes Inter-Tribal Council was the central agency for many of the economic programs involved in the war on poverty. And Wisconsin Judicare was established in the 1960s to assist indigent people in the northern part of the state, an area that included all Wisconsin Indian reservations.

Growing Activism and Militancy

Legislative gains during the 1960s and 1970s, while substantial, were not enough to satisfy the "new Indians" who emerged from the AICC prepared to employ a militancy heretofore unseen among American Indians. Particularly activist were young, urban Indians, such as those who founded the NIYC. Most legislative gains were aimed primarily at helping American Indians on reservations and did little for those who continued to flock to the cities in growing numbers. By 1987, half or more of Wisconsin's tribal members lived in cities, with Milwaukee, Green Bay, La Crosse, and Madison all having substantial Indian populations.

Some of the earliest of the militant actions to attract significant national attention were the "fish-ins" that began in 1964 in the state of Washington. Dissatisfaction with what they saw as government violation of their treaty rights inspired Indians to publicly flaunt state laws designed to limit their catch. These "fish-ins" were a 20-year precursor of the Chippewa spearfishing controversies that would bring northern Wisconsin into the national spotlight in the 1980s.

Alcatraz. On November 20, 1969, American Indians in the San Francisco area seized Alcatraz Island in San Francisco Bay, site of an abandoned federal prison. The occupants, calling themselves Indians of All Tribes, claimed the land under a Sioux treaty that called for all abandoned federal property to revert to Indian ownership. The occupation, which lasted nearly two years, symbolized a revitalization of tribalism and a new intertribal unity, inspired other Indian demands for land, and generated sympathy among liberals of other ethnic groups.

Shortly before the Alcatraz occupation, the American Indian Movement (AIM) had been formed in the Twin Cities, initially to protect Indians from harassment. AIM soon would have chapters across the nation and its members would become involved in virtually every significant instance of Indian activism.

It is important to understand that to many activists, legislative victories that resulted in greater powers of self-government for American Indians, while a positive development, were not the same as achieving the ultimate goal of true sovereign nationhood. But an undeniable increase in cultural pride and a growing influence of traditionalist Indians on reservations in the past 35 years indicates that the ultimate goal of nationhood lives on.

The Winter Dam. In Wisconsin, the Lac Courte Oreilles band of Lake Superior Chippewa reacted to the example set at Alcatraz Island by embarking upon a militant land claim of their own on July 31, 1971. That night, about 100 Lac Courte Oreilles, supported by about 25 AIM members, occupied a dam operated by Northern States Power (NSP) Company in the Sawyer County town of Winter. The Indians were protesting NSP's renewal of a 50-year lease to maintain the dam. Tribal members argued that NSP had neglected original terms of the lease when the dam was built in 1921, including a promise to move Indian graves and homes. They further argued that among the 14,500 acres of land the dam flooded in creating the Chippewa Flowage were 6,000 acres of the Lac Courte Oreilles Reservation. Tribal members also decried wide fluctuations in the depth of the flowage caused by NSP's control of the dam, which they said had destroyed wild rice beds that the Lac Courte Oreilles had relied upon for food and income. Tribal members also complained that, since the building of the dam, panfish and waterfowl they depended upon had been replaced by deep-water game fish preferred by non-Indian sport anglers.

In response to a plea from Governor Patrick J. Lucey, the Lac Courte Oreilles ceased their occupation of the Winter Dam after three days, leaving without having caused any damage at the dam site. Lucey promised his support in the tribe's call for the federal government to restore the area around the dam to a wilderness state and to return reservation land to the tribe. The dispute has yet to be resolved, [as of this writing] but NSP's contract to operate the dam has been renewed annually. An administrative judge ruled against the tribe in 1977 and recommended that the utility receive a new 30-year lease for the dam, but that recommendation was disputed by the state government and the tribe. The matter was referred to the Federal Energy Regulatory Commission for study and it is up to Congress to decide if any land is to be returned to the Lac Courte Oreilles.

Milwaukee Lakefront. Two weeks after the occupation of the Winter Dam in 1971, a vacant Coast Guard station on the Milwaukee lakefront was occupied by the Milwaukee chapter of AIM. The Milwaukee group, basing its claim on the same Sioux treaty cited during the Alcatraz occupation in 1969, announced plans to establish a multi-service Indian center at the station. Soon after the occupation began, students from the Milwaukee Indian Community School, a program designed to provide Indian children with academic assistance and cultural pride, were moved from overcrowded quarters in the basement of an inner-city church to the occupied Coast Guard station.

With the city, Coast Guard, and Interior Department reluctant to intervene, the school remained in operation at the station, its enrollment increasing and financial support coming through private donations and federal grants.

Occupation of BIA Headquarters. Indian activism again gained nationwide attention in the fall of 1972 with the Trail of Broken Treaties, an AIM-led caravan that crossed the country—including a stop at the occupied Coast Guard station in Milwaukee—spreading word of the revival of tribalism that the "Red Power" movement advocated. The trail ended in Washington, D.C., where caravan members planned to negotiate grievances with federal authorities. When those negotiations were denied, the frustrated Indians, led by AIM members who by then represented the vanguard of American Indian activism, occupied BIA headquarters on November 2, 1972. Fearing their forced ejection, the Indians barricaded themselves in the building and destroyed its interior. Realizing that the occupants were intent on dying for their cause, federal authorities did not attack the building. Instead, the militants were allowed a dignified exit with the offer of vague promises that their complaints would be investigated.

Wounded Knee. Just a few months later, on February 27, 1973, the next AIM-led militant action began with the seizure of the small town of Wounded Knee on the Pine Ridge Reservation in South Dakota. The site was strategically chosen, the location of the U.S. Seventh Cavalry's massacre of a large group of Sioux Indians in 1890. While again calling attention to the plight of American Indians, the 1973 Wounded Knee occupation also vividly demonstrated the division that existed between traditionalist and nontraditionalist Indians. The intertribal conflict at Pine Ridge pitted the elected tribal chairman, Richard Wilson, and his followers against traditionalist members of the tribe, who rejected Wilson as a BIA lackey.

Federal marshals and agents from the Federal Bureau of Investigation were brought in to surround the occupied village, but the well-armed Indians held their position until negotiations led to their withdrawal on May 8, 1973. Again, AIM had staged a media event through which the grievances of American Indians were made known to the nation and, indeed, the world. The impact of these militant actions was to encourage presidents and Congress to continue the movement toward greater self-determination in federal Indian policy.

Alexian Brothers Novitiate in Gresham. Militancy in Wisconsin again surfaced on New Year's Day of 1975, when a group of about 45 Indians, calling themselves the Menominee Warrior Society, occupied an abandoned novitiate owned by the Catholic order of Alexian Brothers in the Shawano County town of Gresham, just outside of the Menominee Reservation. The warriors, led by Michael Sturdevant and John Waubanascum, both of whom had participated in the Wounded Knee siege, demanded that the 225-acre site be given to the Menominees for use as a health-care center. After a week of confrontation, including sporadic gunfire between the warriors and local law enforcement personnel, Governor Lucey ordered 200 National Guard troops to move in and take charge of negotiations and security.

Menominee Restoration

The Menominee Warrior Society represented tribal members who were dissatisfied with the way the return of the Menominee's trust status was being handled by the tribe's Restoration Committee. That committee was headed by Ada Deer, who had been a leader of a group called Determination of Rights and Unity for Menominee Shareholders (DRUMS). After its formation in 1970, DRUMS had led the effort to repeal the Menominee termination. That effort resulted in President Richard M. Nixon signing the Menominee Restoration Act on December 22, 1973.

Because of the existence of many competing factions within the tribe, it was not until 1978 that the Menominee elected a regular tribal government. In the meantime, the Restoration Committee continued to govern the tribe and work with the federal government to obtain grants and other funding to improve life on the reservation. But much of this work took place in Washington, D.C., leading some disaffected members of the tribe to believe that the leaders of the Restoration Committee had lost touch with the majority of tribal members. That, in part, led to the Menominee Warrior Society's takeover of the Alexian Brothers Novitiate, an action that the Restoration Committee denounced as illegal and involving non-Menominee property. After 34 days, the warriors withdrew, but not before causing significant damage to the novitiate.

Despite the turmoil on the Menominee Reservation, tribal members were able to work together over a sustained period to win back their trust status. This was a significant victory for all American Indians, as it signaled the virtual end of the federal government's termination policy, even though Congress refrained from formally rejecting House Concurrent Resolution No. 108, adopted in 1953.

Legal Battles

In a quieter way than their many militant actions, American Indians entered into legal battles in the 1970s that produced many significant victories. Many of these legal battles, particularly in Wisconsin, centered around treaty rights. As natural resources became more scarce in the mid-twentieth century, American Indians became more aggressive in asserting the rights to hunt, gather, and fish that treaties signed in the 1800s had guaranteed them. Many non-Indians argued that the treaties were outdated and no longer valid, and decried what they saw as special privileges enjoyed by American Indians.

In 1971, Wisconsin Judicare led a fight that resulted in the Wisconsin Supreme Court reaffirming the rights of members of the Red Cliff and Bad River bands of Chippewa to fish in Lake Superior. But the most famous Wisconsin court case over Indian treaty rights began in 1974, when state Department of Natural Resources wardens arrested two members of the Lac Courte Oreilles band for spearfishing on Chief Lake in Sawyer County. The case, *Lac Courte Oreilles Band of Chippewa Indians v. Voigt* (so named because one of the defendants was then-DNR Secretary Lester P. Voigt) dragged through the courts for 17 years and came to involve the treaty rights of six Wisconsin Chippewa bands to hunt, fish, gather, and cut timber on- and off-reservations in the area ceded to the state under the treaties of the 1800s. It was not until May 20, 1991, that the six bands and Wisconsin Attorney General James E. Doyle, Jr., announced that there would be no further appeals of the final judgment issued by Federal District Court Judge Barbara Crabb.

During the 17-year legal battle, Wisconsin's Chippewa bands negotiated a series of interim agreements with the state government, joined with other tribes in Michigan and Minnesota to form the Great Lakes Indian Fish and Wildlife Commission, adopted conservation codes and hired tribal game wardens to manage natural resources, and published information to counter erroneous claims by groups that opposed the exercise of Indian treaty rights, such as Stop Treaty Abuse and Protect Americans' Rights and Resources.

During the 1990s, Wisconsin Indians faced opposition from non-Indian residents who oppose their rights to operate gambling casinos and their continued exercise of off-reservation treaty rights. But emboldened by a resurgent pride in their tribal heritage and hardened by successful militancy and legal battles over the past 35 years, American Indians today appear firmly entrenched on a path toward self-determination, clearly rejecting the federal goal of assimilation to which they appeared doomed just 35 years ago.

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Indian Voices of the 1960s and 1970s

Wisconsin Indian voices of the 1960s and 1970s expressed differing views about what was needed to overcome poverty on the reservation.

Arvid E. Miller, president of the Stockbridge-Munsee Tribal Council in the early 1960s, expressed the view to the Great Lakes Inter-Tribal Council in 1962 that "Indianism" was still alive and is definitely not a contributor to poverty. Miller asserted that Indians needed experience with helping themselves and a decrease in paternalism. "We need and desire guidance, not control and restriction." Robert LaFollette Bennett, an Oneida Indian who was commissioner of Indian affairs from 1966 to 1969, expressed hope that the efforts at the national level to find economic opportunities off reservation and to bring industry onto the reservation would erase the poverty. Bennett said that the fight was hampered by three dimensions of Indian life: native culture, poverty culture, and reservation culture.

Mike Tribble's voice, expressed in *Anishinabe-Aki*, the Lac Courte Oreilles (LCO) Band of Chippewa Indian newsletter of the early 1970s, is saying that action must be taken at the local level. Tribble, the editor of the newsletter and the chairman of the LCO branch of the American Indian Movement, was calling for the people of the reservation to take matters in hand. Besides urging people to get into local politics, the newsletter calls people to become involved in community projects that help the young, the elderly, and others.

By the late 1970s this voice for action was being extended to the national arena. In *Four Lakes News*, the newsletter of the Four Lakes Indian Council, Sybil Natawa urges her readers to get involved in national politics. She says that any legislation that affects any Indian tribe is also of interest to the Dane County Indians. Sybil Natawa was the Publications Trainee of the Four Lakes Indian Council, an organization of Dane County Indians.

Address of Arvid E. Miller, 1962

Miller was President of the Stockbridge-Munsee Tribal Council at the time of his address delivered at the Great Lakes Inter-Tribal Conference at Eau Claire, Wisconsin, November 8, 1962.

Mr.—Madam Chairman:

I am indeed happy to be here today, and to note the happy signs of what may be a changing atmosphere toward the American Indian.

Today I will be speaking of and for my people whose Indianism is still a living reality, and Indians do not want us to plan or do anything that would cause them the loss of their Indian identity or Indian traditions, for this would extremely upset us.

We know that we must work for adjustment to our environment, our adoption of such modern appliances as will help us in our work at home and [in] surrounding communities, and the higher education of our children, in order that they may compete with all other Americans on an equal basis without losing our Indian identity—this endeavor I know my people will welcome.

Our Indian communities are working out, or attempting to work out, with technical assistance when we can get it, our own future as first Americans. We want to make needed economic and technological adjustments, we want increased participation in national, state, and local affairs.

Arvid Miller of the Stockbridge-Munsee Indian Community in Wisconsin is depicted here engaged in silversmithing in the tribal arts and crafts shop. Miller was serving as chair of the Great Lakes Inter-Tribal Council at the time the photograph was taken. From Joyce M. Erdman, ed. Handbook on Wisconsin Indians. *Madison: State of Wisconsin, 1966, p. 37.*

We want technical assistance in self-help programs to help us to recognize and utilize our human and natural resources, including the training of community leadership and the preservation of the Community land base, a complete understanding of our personal and property rights, with action to protect such rights from unjust encroachment, while retaining deeper Indian feelings and values.

The word *assimilation* in the conventional sense is not characteristic of such communities as ours. It takes place principally as individual Indians leave their communities, settle in other areas, and become absorbed in non-Indian ways.

To understand the present day conditions of Indian communities one must first understand the development leading to it. And if we are to value Indian heritage, and if we recognize the right of Indians as people and as citizens to work out their future without undue interference, we must give them professionally technical people like we have gathered here today, to give them a real chance to develop without hampering controls, we need and desire guidance not control and restriction.

To assimilate the Indians is very different from assimilation of European immigrants in America, with which it is often loosely compared. The immigrant has made a choice, and may prefer our institutions; the Indians, a conquered people, have had no choice. Moreover, whole immigrants become assimilated, the cultures they relinquish live on in their native lands. American Indians, on the other hand, are the only carriers of their tradition; when they become totally assimilated, the Indian way will disappear from the face of the earth.

What is characteristic and fundamental is that we Indians treasure and maintain a community life of our own. We accept ourselves as Indians and we are proud of our own cultural traditions—we are not afraid to be different from our white neighbors.

Yes, most of our communities are poor in material wealth, and we have many problems, including some social ills—we too are subject to the pressures and excessive demand of modern life. But first we must get people to stop looking at the community life of the Indian as if there were something basically wrong with it. Outsiders cannot solve an Indian community problem, they can and should technically assist the community leaders in solving the problem, for the outsider can never supplant a community's understanding, choices, and efforts. The solution must come from within.

I realize that common understandings and common agreements between peoples are hard to come by in this complex modern world. But here at home, in our dealings with fellow-citizens, there is something of a readymade test of our democratic faith and philosophy, and our ability to deal justly with other people, this power is in our hands.

At the moment we Indians are watching a new administration in the Indian Bureau to determine its value. I think it is a good time to re-think the whole question of Indian rights. It is a good time to think out what we expect from a strong, competent, and right-minded administration in the Bureau of Indian Affairs.

But I want to go deeper than that. We may say Indians are free to come and go as they please, to engage in any lawful activity they may choose. This is true in theory only. For there is no freedom for a people today who are not properly educated, who are shackled by ignorance; there can be no freedom for a people who are so circumscribed by paternalism, benevolent or no, that they can acquire no experience in handling their own affairs. This is where the technical people of the Bureau and our Great State can assist the leaders of our Indian communities.

Certain services have been extended to Indians as a national obligation, and the sum and purpose of which was to protect their remaining property, to guard their health, and so to advance them in education and in the general understanding of the non-Indian culture until such time that these services and protections would become unnecessary. In using this theory the past 150 years, the program still hasn't reached first base.

The federal agencies still find it necessary to maintain certain restrictions over the Indians' right to sell or damage their own property, because, realistically, they believe that we are not ready to enjoy the most fundamental of all rights—the right to make our own mistakes. And I may say that while they may have thought they were preventing us from making our own mistakes, they became very adept at making mistakes for us.

I should like to close my remarks by asking that the professional people, interested in and working for the benefit of Indian people, as well as the Indians themselves demand from the Bureau of Indian Affairs an ever-increasing delegation of responsibility and authority, not necessarily to Area Directors, nor to Superintendents, but to the Indians themselves. We must, and shall, scrutinize each action and policy of the Bureau to see whether it represents an increase or a decrease in paternalism, a regression or an advance.

I fully realize that the more authority that is given to the tribes, the less pleasant becomes the administrator's work, and the less cooperative becomes the technical people of the Bureau.

I know that a good administrator likes a tidy organization accurately responsive to his orders. And if at the final, operating end of his organization he has a collection of free communities with wills of their own, with whom he may argue, whom he may advise, whom he may try to persuade, but to whose wishes in the end he must bow, he cannot have a neat administration.

Therefore, I believe we must have men in these key positions, that when they have to tolerate such a condition, their democratic principles must be more profound than their love of efficiency. They must above all, be free of the very natural bureaucratic instinct to enlarge and perpetuate the empire over which he has control.

I have found, similarly, an old-established tendency to overrule or overpersuade tribal councils, "for their own good," which often looks suspiciously like overruling them for the good of their administrators.

I do not mean to imply that we now have a Bureau of Indian Affairs which is busily retrogressing. **Not at all**. For I now see the very important part being taken by our professional friends, in trying to assist our communities to a better way of life, the ever-increasing effectiveness and responsibility of our tribal governing body, and the greater support being given to our tribal councils by the General Superintendent and the Area Director.

We now have a very important program in shaping, at Stockbridge, which the tribe itself has considerable authority. It has in fact, the right to make a fair number of its own mistakes.

We have asked for assistance in the development of our overall economic program. The Forestry survey has recently been completed. But the most essential of all, the land base, which is dependent upon the evaluation and acceptance of our proposed land-use program is still waiting for assistance.

Therefore we must continue to work for policies explicitly aimed at giving to the Indian the cooperative technical assistance when needed, thus strengthening his competence to do a good job for his people.

Thank you. (Veda W. Stone American Indian Reference Collection, 1962)

Comments of Robert LaFollette Bennett, 1969

Born on the Oneida Reservation in Wisconsin on November 16, 1912, Bennett was only the second American Indian (as well as the second of Iroquois ancestry) to hold the office of Commissioner of Indian Affairs. His appointment in 1966 came nearly a century after Ely S. Parker, a Seneca, was commissioner. (Kvasnicka and Viola, 1979)

Foreword. Respect for Indian culture and values is a vital part of any assistance effort, but some conflict between traditional Indian values and successful economic development is inevitable. Saving, investment and the profit motive are not a part of many traditional Indian cultures. Nor does individual financial success carry the status that it does in industrial society. Thus some compromises between traditional values and the prevalent economic system are essential if Indian poverty and dependency are to be overcome. Progress can be made both through identifying job opportunities near the reservation and through bringing industry onto the reservation.

Poverty is not a new experience for Indian people; it has been with them for many years. With recent national attention being given to the general problem of poverty, poverty among Indian people has been highlighted in many statements by public officials, private organizations and individuals, and by the Indian people themselves. It is an accepted fact that poverty exists in such proportion among Indian people as to make them one of the most poverty-stricken groups in the country. Poverty has been a persistent partner of Indian people and no one knows, but we can hope, that present efforts will do much to erase this blight.

A clear distinction should be made between those poor in America who are outside the productive life of the economy, and those who are poor despite their ability to participate in the labor force. These are different aspects of the problem and require different treatment.

The attack on poverty must focus upon the special conditions and characteristics of the Indian population. There is no simple solution to the problem. Indian people are caught in the backwash of economic development. If we are to overcome poverty, then we need to identify and eliminate the negative forces which are repressing Indian people and to identify and strengthen the positive forces which bring about economic change.

Even when the Indian people accept the objectives of (1) maximum Indian economic self-sufficiency, (2) full participation of Indians in American life, and (3) equal citizenship privileges and responsibilities for Indians, their attainment is still fraught with many obstacles. These arise from the native culture, to which must be added the depressing effects of a poverty culture so interwoven with the native cultures that the two almost become one and inseparable. These cultures have many traits inimical to the objectives which the Bureau has adopted for Indian people in their best interests. Each of these cultures in itself poses serious barriers to economic self-sufficiency, and together they have withstood the onslaught of program after program, so that today we say most Indians are poor—desperately poor—as poor as any group we know of in this rich country of ours.

Indian people have lived primarily on a subsistence economy, characterized by low capital investment, do-it-yourself methods, and low levels of productivity. A money economy, however, puts a high premium on managerial skill, proficiency in using capital and labor, and ambition to get ahead. People who must shift from one economy to another must go through a marked change in values. Here one must grasp the significance of the poverty and native cultures, interwoven as they are, as they affect any attempt made by Indian people to change values. I am not concerned with any hypothesis as to whether it is good or bad that these values change. What I am saying is that, to escape poverty, some of the values will have to change. This places the Indian people on the horns of a dilemma—either to change their values or to cling to values which result in poverty as a way of life amidst new and challenging opportunities for economic betterment.

Although we have referred to many Indian people as trying to wrest a living from the land as farmers or ranchers, their basic motivation is not economic but rather an effort to maintain the bases for their way of life. Their efforts are not geared to commercial markets but to subsistence, and they operate in a functional rather than a commercial manner. Their lack of interest in the accumulation of business profits and their lack of desire to ascertain the most profitable use of their own land and labor fit into production for their own use but not for commercial use. Their values can be equated as "an intense attachment to native soil, a reverent disposition toward habitat and ancestral ways, and a restraint on individual self-seekings in favor of family and community."

Indian people lack experience in the use of money and they are at a loss as to how to handle large sums of money wisely. One of the contemporary Indian leaders listed, as priority number one of the basic needs of his people, help in managing money. For the child's education in a money world, it is the principle of saving that is of importance; that is, to postpone immediate pleasure in order to gain future satisfaction. The amount of family income and the way it is earned or acquired has a profound influence on the psychological development of the individual in the family and in the patterns of family life. The social and cultural norms of the family contribute to the choice of vocation and, to a large extent, determine values and managerial practice.

Generations of living outside of a money world and commercial activity has developed an attitude in which satisfaction with simple living is a chief element. Low levels of economic aspiration are essential to the contentment they feel and they may be more completely adjusted in their life than we are in ours.

So the major constraints on economic progress of Indian people have been summarized as:

1. The value orientations and institutions of the tribal leaders, the people, and members of the Bureau of Indian Affairs have not changed in proportion to the sweeping changes in the economy since 1930.
2. Noneconomic factors of the lingering culture which retard economic progress.
3. Inefficient functioning of the capital market.
4. Imperfections in the functioning of the labor market.

One of our contemporary Indian leaders has said that the basic needs of his people include (1) help in managing money, (2) help in facing the reality that the way to achieve economic and social stability is to find the kind of work they can do, either for themselves or in earning wages working for someone else, (3) help in becoming responsible for the health, education, livelihood, and well-being of their families, and (4) help in learning fundamental knowledge of becoming responsible people.

It has been reported that compared with children from more privileged environments, children from lower-class, socially impoverished circumstances tend to enter school with a qualitatively different preparation for the demands of the learning process and the behavioral requirements of the classroom. Among these children there is a high proportion of school failures, school dropouts, and reading and learning disabilities, as well as life-adjustment problems.

Where all of the education and training takes place in the family circle, parents are unable to transmit values, skills, and understandings they do not have. Their way of looking at life puts a rather indifferent value on formal education. In fact, the ideas, facts, and habits learned in school may be regarded as detrimental to the values of the family.

The youth who knows too much may no longer be satisfied to live meagerly, and the school system is a way out of the subsistence way of life. The parents may either accept this or block it.

Many students in our schools are confused about what is expected of them in learning situations, as their parents do not put these expectations upon them. Their confusion produces anxieties. This is another threat to the self-image, which in many is delicate and needs reinforcement. We cannot destroy their self-assertion, but we still need to help them behave in ways appropriate to the society in which they will live. To change some of their inappropriate responses in social situations we need to offer them new experiences in learning and understanding human behavior.

The young people in our schools are feeling the impact of transition within themselves and their environment. There is a degree of conflict produced by this transition which is manifested in many ways, such as agitation by the fact that the student wants to sever his ties to his village situation but is afraid his parents will see this as a rejection of them.

The focus and intent should be to work with the whole person, and every phase of his experience should be evaluated in terms of helping him make a satisfactory and productive adjustment in school and in preparation for his future life.

You do no service to an Indian community by asking an Indian who is in conflict to come back and serve his own people, since he comes back to something he has struggled to leave. We make this mistake many times. This is no service to an Indian community. He should not come back until he is a whole individual and is over his conflict.

Now may be the time when a question should be raised as to whether or not a third dimension exists to the dilemma faced by Indian people in trying to break out of the encirclement of their interwoven native and poverty cultures. This dimension could be identified as the reservation culture which, together with the native and poverty cultures, might provide an almost impregnable barrier to the elimination of poverty. The atmosphere of the reservation culture may create attitudes which breed and insure the continued existence of poverty.

In speaking of the reservation culture, I am not referring to the ownership of property by individuals or the tribe. The ownership and reservation cultures are not synonymous. These are two distinct matters: One, the property, is an asset which with proper utilization and management can contribute to economic sufficiency. The other, the reservation culture, may negate efforts at economic sufficiency.

The reservation system, artificially created because of military and political necessity and maintained for administrative expediency, may be tolerated by Indian people for still other reasons.

Recent experiences in economic development, where efforts have been made to make work available locally as distinguished from transporting Indians far from their home communities to large urban areas for employment opportunities, give us reason for optimism. The two methods used to provide local employment opportunities are in the location of jobs already available in the area and the development of non-agricultural industries in or near Indian communities.

As a result of the first effort, over one-half of the Indian job placements have been in States of the applicants' residence, which in most cases allows either for daily or weekend commuting. This effort has proven very popular with Indians. This effort grew out of the fact that while we had our sights on the large urban centers and a huge volume of job opportunities, yet there were many local job opportunities overlooked.

In connection with the second effort, this has been accomplished through capital investment in businesses using the local resources of Indian communities, such as timber and recreational opportunities, rather than the leasing of these natural resources to outside investors. As a consequence of this effort, the Indian owners of these resources not only are able to provide employment opportunities, but manage, operate, and enjoy the profits of these kinds of commercial enterprises. The additional effort consists of bringing industries into the Indian community where a substantial labor force exists in place. While this labor force may be inexperienced, yet it is highly trainable. Tests have shown that this Indian labor force outranks the general population in the areas of hand and eye coordination, manual dexterity, and patient tolerance of repetitive operations. With the need for this kind of hand work, long an outstanding characteristic of the Indian labor force, the electronics industry in particular has had major successes with Indian employment. Because of the high value and low bulk of its products, this particular industry also is able to overcome the transportation problem, which had hampered industrial development of the isolated Indian areas.

One of the motivations for Indian participation in economic development is the high rate of population growth. Indian leadership is recognizing more and more that strenuous efforts will have to be made to provide employment for the new and increasing Indian population.

There is reason for optimism because in this particular area of economic development there has at long last developed a working partnership arrangement by the Indian leaders, private industry, and government, whose combined efforts offer promise of having a major impact on unemployment and its lingering social effects.

Will the Indian people find their way out of this multidimensional dilemma which keeps them victims of poverty?

They will—when the kind of communication is established with them by which they acquire those cultural concepts necessary for their cultural and economic growth and development. They will—when we no longer provide them with the answers, make their decisions, and concern ourselves only with results. They will—when they realize that in order to be happy a person must have a sense of conviction about his own worth and dignity, and that the individual's sense of worth receives major nourishment from work and the rewards it brings. (U.S. Congress, 1969)

Editorial in Anishinabe-Aki, *1971*

No matter how many times the importance of attending your Tribal Council meetings is stressed, the letters, the words, seem to fall on unseeing eyes, and unhearing ears. In order that this reservation can rise from its present poverty state, you as residents of this reservation must attend these meetings and make yourself heard and seen. You do not have to be afraid to speak, nor do you need a beverage to make you brave, you do not have to be afraid of being laughed at, only the ignorant laugh. You as people, have the voice on how you should be governed. The Tribal Council is merely there to carry out your wishes and not their own. We only wish that more people would understand this. At the Tribal Council meeting last Friday night, where were all the fisherman [sic] who complained about the snowmobilers harassing them while fishing? Where were all the hunters and fishermen when the Hunting and Fishing Clarification Proposal came up? These are just a few of many things that should be decided by the people and not just a few members of the Tribal Council. We are suppose to be living in a democratic society, not a dictatorial type, so we appeal once again, please attend your Tribal Council meetings. (Tribble, 1971)

"The Lash," 1977

Over the last half year nearly all Native American newsletters and periodicals have expressed increasing concern over revision actions in Washington D.C. and Congress that directly affect Native Americans, and constitute what we have been calling a 'backlash.'

The *Yakima Nation Review* this Autumn begins with a definition of backlash "an abrupt *political recoiling* of one interest group against another." This Yakima issue is dedicated to the nationwide backlash. Since the Passamaquoddy-Penobscot land dispute in early '77, environmental and private interest groups have advanced to the Loyd Meeds federal policy proposal that states "that there is no legal basis for Indian claims to tribal sovereignty."

Mitchell Platt of Arizona (a representative of—please note—the Interstate Congress for Equal Rights and Responsibilities—ICERR) published in a Phoenix daily that outspeaking Indians do not represent the nice cooperative Indians at home and that although most (all) Americans originate from other homelands (how could he miss this point?) "They do not insist on *special* privileges and immunizations from law and responsibilities of citizenship just because they are Swedes or Jewish or Black." Of course this comment insinuates that all non-native minorities have/or do enjoy equal rights and privileges and the entire equal rights issues of the 50s, 60s, and 70s, the Suffrage movement, etc., etc. is, certainly a figment of our defective American history.

There are four 'whitelash' bills currently before Congress, designed to seriously undermine Native American rights [and] sovereignty, and treaty land. HJR1

1. The Meeds bill basically requires a retraction of the Boldt Decision that set a fishing rights precedent in the Northwest (pro-Indian) and a call for 'equivalent rights and values' or the total absorption of Native Americans into the Euro-American System.
2. The Dingell Bill, HJR206, bears the conservation cloak, and is a Washington state private interest matter concerning the Puyallup Indians over hunting and fishing 'equalities.'
3. The Maine Bill, HR4169, is designed to nullify land treaties in Maine and S842 is a retaliation backed by Sens. Hathaway and Muskie to affect the opposite or at least reprisals.

4. The Cunningham Bill, HR9054, Native Americans Equal Opportunity Act. It terms 'To direct the President to abrogate *all* treaties entered into by the United States with Indian Tribes.' Basically the big rip-off. It is a challenge to all Native American rights. Why, one might ask? "Indians have gone too far." Meeds answers, "They've asked for too much."

NCSIT, or the National Coalition to Support Indian Treaties, is a newly formed Native American action group to contest these bills and spread information to all interested persons on the backlash issue . . . .

In Wisconsin many local papers have been riding high on the anti-Indian legal movement, featuring editorials containing much unverified and misrepresented information. All through '77 the *Wisconsin Sports News*, beginning with the notorious article "Wisconsin Futility" has added "The White Rebellion," a continuing saga of harping on Indian hunting, water and land "privileges." Well summed up by John H. Artichoker, BIA area director of Carson City, Nevada: Their talk has all the flavor of genocide. Their intentions are couched in terms of an unscrupulous land grab. (Natawa, 1977)

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Reflections of Indian Youth*

Laureen . . . [a 17-year-old Menominee girl] stood behind the counter of the Indian store where she sold trinkets to the tourists she hated. It was a summer job. Like many of the Menominee youths she had been away to school for several years in a large city and had just returned home to discover "that I want to be an Indian. I have to learn how." But "I am a fake Indian now.

"Just recently I realized that I hate whites. When the tourist buses come through and they come in here and stare at me, that's when I hate them. They call me 'Injun.' Like on television. It's a big joke to them. You a 'drunken Injun,' they say. 'Injun' is a degrading word. I hate it.

"I am not human to them. I feel that I am an image, not a human being, not a girl, not even an Indian. You know what I am? I am a buffalo!"

Her sister, Lisa, who had had three years of college and had worked on a newspaper in Chicago before returning home, was less hurt, less bitter. But her words were harder.

"You don't think most Indians hate whites?" the elder sister said. "I do. The whites are hypocrites. Why do the whites always talk about what Hitler did to the Jews? They don't know what they are talking about. They did the same thing to us. They slaughtered most of us, but that didn't satisfy them; now they want to steal what we have left, and they are stealing it. They terminated the Menominee Reservation, and they're buying up what's left."

"Let's stop them," Laureen said.

"Can you?" her sister asked.

"If we don't, what future do we have?"

"We have no future."

"You're too cynical."

"Didn't you say you were a buffalo?"

"Yes."

"The buffalo are extinct."

"No, they're not. They're coming back." Laureen laughed in triumph. "It's just that the Menominee are too white. We've been surrounded by whites for too long, and we're too white."

"Listen, people around Indian reservations hate Indians," the elder sister said. "It doesn't matter how white an Indian is. We are like foreigners to them. Like when you fill out a job application, and it says, 'Foreign Language,' and I feel like saying, 'Sure, English.'"

"The whites are the foreigners," the younger sister said.

A busload of tourists descended on the Indian store. One lady gently touched the young girl's wrist. "Dear, are you a real Indian?" she asked. "I hope you don't mind my asking. But you look so American." There was a stony silence.

"I am a buffalo," Laureen said.

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* From Stan Steiner, *The New Indians* (New York: Harper & Row, Pubs., 1968), pp. 90-91. Reprinted with permission of Vera John-Steiner.

Indian Communities in the Late 1960s*

In December 1967 and January-February 1968 demographic information was secured from 213 Indian persons living in Wisconsin on four reservations—Oneida, Red Cliff (Chippewa), Potawatomi, and Lac Courte Oreilles (Chippewa)—and from a Winnebago [now known as Ho-Chunk] village. Attitudinal data were secured from persons in these locations plus Indians from the Lac du Flambeau (Chippewa) reservation.

Before discussing the results of this survey, it may be useful to set the stage by briefly describing these Wisconsin Indian reservations and communities. A recent comprehensive study of Wisconsin Indians provides the information from which these descriptions are drawn.**

Oneida

The Oneida reservation consists of 2,058 tribally-owned acres surrounding the two communities of Hobart and Oneida, near Green Bay. Although it consists of tribal members who live on federal land and those who do not, the Oneida community can be considered as a single group of persons. In 1966 about 20 percent of the 298 households in the area had been granted land use assignments on 2,400 acres. About 100 families were tenants, renting from Indians and non-Indians, and the rest owned taxable land.

Although the Oneida community is located in a dairy farming region, few of the Oneidas are farmers. In 1965, 56 percent of the approximately 230 employable men were employed full-time, and the rest were unemployed part or most of the year. Local employment is virtually all seasonal, causing many men to seek building and road construction work, truck farming, and dock and grain elevator work in the vicinity of Green Bay. One study showed that 57.7 percent of 300 Oneida families had an earned income of less than $3,000 per year. Some have permanently moved to Milwaukee, where it was estimated that 700 Oneidas live. On the other hand, some Oneida men work there, but return to the reservation on weekends.

In 1966 the village of Oneida boasted two stores, a filling station and post office, an Episcopal Mission, and a tavern. The homes on the reservation, aside from a few built since World War II, typically lacked central heating, insulation, and space. Approximately half of these homes did not have indoor plumbing, and 51 percent had no well. During 1966 the federal government and the Oneida Housing Authority authorized the construction of 66 housing units for Oneidas living on non-taxable lands.

There was a total absence of doctors, dentists, and pharmacists in the Oneida area. There was no special contract doctor arrangement or public health nursing service provided.

Oneida children typically took buses to attend public and parochial schools in four school districts. The tribal council had empowered an education committee to promote greater understanding of educational opportunities.

There was no public recreational facility for young people, no community center for tribal government or social events, and no outdoor athletic field.

Red Cliff

Red Cliff Chippewa reservation, located in Bayfield County, overlooks Madeline Island in Lake Superior. Of 7,321 acres, about 5,000 acres are tribally-owned land, and the rest is to be allotted to the individual tribal members. In 1966, the reservation population was 310 residents, but there was indication that more than 100 Indians were living on non-reservation lands in the area. About one-third of the population was of employable age, and 64 percent of the reservation residents were 18 years or younger.

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* Arthur M. Harkins and Richard G. Woods, *Attitudes and Characteristics of Selected Wisconsin Indians* (Minneapolis: Univ. of Minnesota Training Center for Community Programs in Coordination with the Office of Community Programs, Center for Urban and Regional Affairs, 1969), pp. 1-9, 47-49.

** Harkins and Woods are referring to Joyce M. Erdman's *Handbook on Wisconsin Indians*, published by the State of Wisconsin's Governor's Commission on Human Rights, in Madison, in 1968.

Seasonal work engages more than half the Red Cliff Indians. Barge work on Lake Superior, cannery jobs, pulp cutting, and guiding tourists are frequent occupations. New industries in Ashland and Washburn have provided other, more steady employment. In 1965 it was estimated that only 21 percent of all employable women had jobs.

In 1966 very poor housing existed at Red Cliff. Most of the 55 houses needed major repairs, only five houses had indoor plumbing, and fully 33 did not have wells or a nearby water supply. Most houses were crowded and not insulated, and six did not have electricity.

There was no elementary school on the reservation, and children attended school in Bayfield, three miles away. A former parochial school functioned as a community center, but the community had no business establishments.

Potawatomi

The Potawatomi of northern Wisconsin live on scattered and heavily forested lands between Crandon, Laona, Wabena, and Townsend, a distance of about 20 miles. The houses are widely dispersed, rather than being grouped into villages, and some of these homes are accessible only by path or trail. As of 1965, trust land of 11,786 acres accommodated a resident Indian population of about 195. There was allotted land of 640 acres.

The tribe's largest natural resource is timber and, in 1965, Potawatomi loggers cut 65 percent of the 4,000-cord total, and members of the tribe were employed to cut the balance by non-Indian logging contractors. The seasonal harvesting of crops also provides employment and income. In July the cherry orchards of Door County are worked, and in August there is migration to the potato fields of northern Wisconsin. Summer tourists employ guides and purchase handicraft items to a limited extent. In the fall pine greens are picked to be used as Christmas decorations. In Laona is a sawmill and manufacturing plant which employs some tribal members. In 1966 the average annual income of the Potawatomi ranged between $600 and $2,000.

Housing in 1966 consisted of 25 two- or three-room homes, built in the early 1900s, totally lacking in modern conveniences, very much in need of repair, and frequently badly overcrowded. Only four homes had electricity. The distance from water wells and lack of transportation made water a commodity to be conserved. Housing was considered to be the greatest need of the Potawatomi by the tribal council.

Health care was handled on a flat fee basis by physicians of the Indians' choice through the U.S. Public Health Service, but isolation and lack of transportation often prevented effective medical attention. Simple cleanliness was a major problem because of water shortages, and the incidence of respiratory illness was high.

Good school attendance was brought about partly by the hot lunch program. Because there was very little steady employment, about 75 percent of the total Potawatomi population received some form of public assistance for six months out of the year.

Lac Courte Oreilles

About half the original 70,000 acres now remain as the Lac Courte Oreilles Reservation, which is home for about 790 Chippewa, most of them living in the small communities of Reserve or New Post.

An active tribal business committee started a cranberry marsh in 1949 with the help of a BIA loan. In 1966 there were 28 acres of beds, an annual payroll of more than $15,000 and employment during harvesting of 30 tribal members. At the close of 1964 a pallet manufacturer began operations at Reserve and by a year later was employing 18 Chippewa. During the summer of 1966 an electronics plant opened at New Post with the ultimate potentiality of being able to hire every employable member of the tribe wanting to work. Skiing activity at Mount Telemark some 25 miles distant has created employment for some Indians throughout the season.

Despite such an optimistic future outlook, there was no year-around employment for all members of the tribe in 1966. A 1965 study revealed estimated annual income of $1,500, receipt of welfare assistance by 35 percent of the tribal members, and receipt of surplus commodities during the winter by 98 percent of the population. Summer employment was easy to find because of the tourist business, but winter jobs were scarce.

Houses on the reservation are of frame, shiplap, and tarpaper construction without modern plumbing. Better housing is badly needed, and steps are underway to get it.

Once a week a doctor and a nurse hold a clinic on the reservation, and a contract doctor provides emergency service in Hayward. The tribal business committee strongly encourages students to take advantage of educational opportunities and this encouragement is apparently effective. The tribe owns a school building which accommodates basketball games, Boy Scout meetings, and weekly dances.

Lac Courte Oreilles Indians are shown harvesting cranberries for the successful tribally owned enterprise covering 28 acres of beds in Sawyer County. From Joyce M. Erdman's Handbook on Wisconsin Indians. *Madison: State of Wisconsin, 1966. p. 80.*

Winnebago

Although technically a "reservation," the Winnebago lands in Wisconsin are scattered in ten counties throughout the state. There are 3,849 allotted acres which have such complicated heirship difficulties that they are virtually useless economically. The tribe owns only 40 acres.

In 1966 Winnebagos numbering about 300 were located near Black River Falls in Jackson County, approximately 250 near Wisconsin Dells in Juneau County, nearly 250 around Tomah and La Crosse, about 225 near Wisconsin Rapids in Wood County, and approximately 125 around Wittenberg in Shawano County.

Most Winnebagos depend upon seasonal work for income. Harvesting in the summer months, trapping in the winter, handicraft work throughout the year, highway work, forestry projects, and resort and tourist work all provide seasonal employment. An increasing number of Winnebago find year-around work in small businesses and factories, in construction jobs, in garages, in offices, at the Veterans Hospital, and in the paper industry.

Surveys have indicated that housing in Winnebago communities is poor. Absence of running water, sufficient heat, and adequate window space is common. A 1963 study showed that 20 percent of Winnebago homes consist of a wigwam or a hogan made of bent birch saplings covered with tarpaper. Inadequate housing, including overcrowding, seems to be a prime factor contributing to respiratory infections. The tribal business committee considers housing to be a primary need, and efforts are underway to build new units.

No special public health and medical care programs are provided for the Winnebagos. Of course, tribal members receiving welfare are eligible for medical and dental care as are other citizens. The Black River Falls Indian Mission provides annual church-sponsored immunizations and checks-ups.

The Winnebago business committee has taken the high school drop-out problem seriously. To combat the problems of the student who cannot study in an overcrowded, poorly lighted home, a supervised study program was started in Black River Falls where, during the 1965-1966 school year, 20 students met in a church basement each night to study. In 1966 it was reported that there had not been a single drop-out in the Wittenberg area for ten years. Special summer educational programs also have been instituted.

Lac du Flambeau

The Lac du Flambeau Reservation in northern Wisconsin consisted of 16,700 acres of tribal land and 13,100 acres of allotted land as of December 1965. The number of Indian residents in 1966 was 883, and a 12-member tribal council managed the daily affairs of the community. The reservation's major resource, timber, is managed by the tribal council, and Lac du Flambeau earns more from its forest products than any other Wisconsin reservation. Leasing of tribal land provides additional income for the tribe.

In earlier years marginal income was derived from trapping and wood-cutting during the winter and from harvesting and the tourist business during the summer. In 1946, an assembly plant for an electric meter manufacturing company was opened on the reservation, and this establishment grew until, in 1966, it employed about 90 Chippewa full-time and had expanded into a plastics operation and a tool-and-die shop. Highway work, jobs at the lumber company, employment in small businesses in Flambeau, all are sources of year-around work. One 1966 survey found 155 permanently employed, 61 temporarily employed, and 14 unemployed from a population of 230 employable adults on the reservation. Unemployment was still a problem during the winter, however, and it was necessary to distribute surplus commodities to about 90 families.

During the summer the Indian bowl, a 2,500-seat amphitheater on the shores of Lake Interlaken, is the site for twice-weekly performances of authentic Chippewa dances and ceremonials. It has become a well-known entertainment attraction, it provides the dancers with income, and it enables the Chippewa to take special pride in their heritage and culture.

In 1966 an evaluation of housing showed that, of 190 dwelling units, approximately 165 were substandard. The first of 60 new low-rental units were being completed in 1966. The village of Flambeau, where most of the reservation residents live, acquired a public water and sewer system through a joint effort of the U.S. Public Health Service and tribal council.

A twice-monthly clinic is held on the reservation to meet health needs. The Vilas County public health nurse devotes 40 percent of her time to the Lac du Flambeau Indians, performing immunization clinics, promoting health programs, testing for diabetes and tuberculosis, and visiting homes. There is special dental care provided for Indian children. The tribal council's education committee has started a drop-out prevention program. Each year at the end of each semester, every high school junior and senior receives $25, which is used to buy clothes, to attend special school functions, and to participate in senior activities. It seems to serve as a valuable incentive for keeping students in school.

Survey Procedures

The communities and reservations just described were the sites for the administration of socio-economic and attitude questionnaires in late 1967 and early 1968. Questionnaires were administered by community aides from the Community Action Programs in each Indian community. The community aides were trained in the techniques of questionnaire administration by staff members of the Training Center for Community Programs, University of Minnesota.

Unusable demographic questionnaires were obtained from these Indian communities as follows:

Community	N[umber of Respondents]	Percentage [of Tribe]
Oneida	99	46.5
Red Cliff	31	14.5
Potawatomi	13	6.1
Lac Courte Oreilles	52	24.4
Winnebago	18	8.5
	213	100.0

Responses from all these communities and for all respondents are combined in the analysis which follows. A complete tabulation of responses is available in the Appendix. [not included in this DPI publication]

Conclusions

1. Although there is socio-economic variability within the group of Wisconsin Indian communities studied, the general configuration is one of a poor, rural people who are inadequately educated, employed, and housed. Individual families are large, and they live either in total isolation or in small communities having insufficient resources to provide adequate economic, social, and recreational advantages. Generally depressed living conditions are reflected in special health problems, and consistent, appropriate health care is not always available.

2. Even in such economically-depressed settings as the communities studied here, there are indications that those Indians who have more education have somewhat smaller families and benefit in terms of higher aspirations, higher-level jobs, greater income, and increased

mobility. This is particularly encouraging, since some urban Indian populations in this region of the country do not seem to display many of the positive results of education.*

3. These Wisconsin Indians apparently are strongly attached to their home communities or reservations. Even prolonged residence in a city often does not seem to extinguish the desire to return to the reservation to live. For many Indians, the economic lure of a better job in the city is not as strong as the attraction of kinship and friendship ties on the reservation and, perhaps, the pull of a more relaxed, less competitive lifestyle.

4. The foregoing considerations underscore the need for reservation economic development. Some of the communities studied have taken aggressive steps to attract new industry, and most appear to be receptive to further economic development.

5. If an adequate economic base could be generated for the reservation there are indications that community life might be strengthened. Community problems perceived by the Indian persons surveyed include lack of cooperative effort on behalf of community betterment, intense interpersonal criticism, pressures to conform, lax family responsibility, an excessive school drop-out rate, high school graduates who are not interested in improving their community, hypocritical church-goers, low wages, inequitable local government, deficient leadership, and youth problems. Economic development could provide jobs on the reservation—a visible reason for completing high school. It could broaden the tax base and thus make the improvement of community facilities possible. With economic resources to manage, leadership could be developed. Wages might be increased, and local government strengthened. Certainly, the seeds for strong communities exist. The Indian respondents saw their communities as equalitarian, helpful to youth, non-interfering, concerned about appearance, friendly, cordial, places where one "belongs," peaceful, accepting, and open to those of varying races and nationalities. Schools were perceived as being effective, churches were believed to be cooperative assets to community life, and businesses were seen as dealing fairly with people.

6. If reservation economics were improved, perhaps through more effective incentives for the location of industry or through the location of federal or state government employment in reservation areas, it is certain that changes would take place. To become successfully employed, Indians would have to commit themselves to education and training and to a regular 40-hour work week. There would be inevitable changes in the environment, with at least some parts of the reservation becoming more noisy, active, and crowded. Life would become more complex. The delicate balance of existing Indian political and status systems would be disrupted by alterations in income distribution. Indeed, the reservation would never be quite the same again, and some Indians—particularly the older ones—would not like that. Conservatism flourishes among the poor, and Indians are no exception. If the encroachment of industrialization were viewed by most reservation Indians as a dangerous move toward "total sell-out" to the white man's way of life instead of an opportunity to strike a bargain between adopting *some* aspects of the larger society while retaining *some* characteristics of Indian life, there would likely be no successful economic development.

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* See Richard G. Woods and Arthur M. Harkins, *Indian Employment in Minneapolis* (Minneapolis: Univ. of Minnesota Training Center for Community Programs, Apr. 1968) and Richard G. Woods and Arthur M. Harkins, *Indian Americans in Chicago* (Minneapolis: Univ. of Minnesota Training Center for Community Programs, Nov. 1968).

State Legislation, Executive Orders, and Legal Opinions

*1903: Fish and Game Laws Applicable to Indians**

Fish and Game.—Indians are amenable to fish and game laws and cannot sell fish in violation of game laws off their reservations.

July 15, 1903.

HONORABLE HENRY OVERBECK, JR.,
State Fish and Game Warden,
Madison, Wis.

MY DEAR SIR—Your communication of June 15th, 1903, relative to the right of the Indians of the Red Cliff and La Point Reservations to take fish off the Lake Superior shore of their respective reservations within the mile limit and to sell the same off the reservation in conflict with the fish and game laws of Wisconsin, is received, together with the opinion of former attorney general, Honorable W.H. Mylrea and former attorney general, Honorable E.R. Hicks, and the communication of Honorable D.M. Browning, Indian Commissioner, addressed to Lieut. W.A. Mercer, U.S.A., acting Indian agent of La Point Indian Agency, Ashland, Wis., under date of June 25th, 1894, relating to the same matter.

In reply to your inquiry would say that this department has steadfastly adhered to the opinion expressed June 26th, 1896, by Honorable W.H. Mylrea, attorney general, and again confirmed on May 11th, 1899, by Honorable E.R. Hicks, attorney general, to the effect that the Indians are amenable to the State fish and game laws; at least, to the extent of not being permitted to hunt or fish off their own reservations or to ship or sell fish or game in violation of the State laws. In this particular I do not consider that the position assumed by this department is in conflict with that of the Interior Department relative to the right of the Indians to hunt and fish in violation of State laws. The only contention made by the Indians as to their right to take fish or game in conflict with the fish and game laws of the State is that, by Article II of the treaty between the Indians and the general government under date of October 4, 1842, there is reserved to the Indians: "the right of hunting on the ceded territory with the other usual privileges of occupancy until required to move by the president of the United States," etc.

Article XI of the treaty of 1854 provides in part as follows: "The Indians shall not be required to remove from the homes hereby set apart for them, and such of them as reside in the territory hereby ceded shall have the right to hunt and fish therein until otherwise ordered by the president."

It is conceded that the Indians have no treaty right to fish on the shores of the La Point or Red Cliff Reservations or to hunt off their reservations, except in the country ceded by the treaty of 1854, unless such right exists under the second article of 1842. It does not appear that the President has ever made any specific direction for the removal of the Indians from the country ceded by the treaty of 1842, but it is my opinion that the establishment of different reservations under the treaty of 1854 within the country ceded by the treaty of 1842 constitutes a legal removal of the Indians from such reserves, and it is in its legal effect a specific order for their removal by the President; and I further concur in the opinion expressed by Honorable W.H. Mylrea, attorney general, in his communication of June 26th, 1896, that the act of Congress creating the State of Wisconsin and admitting the same to the union, which act took effect subsequent to the treaty of 1842, vested the State with sovereign power of the territory within its limits, except so far as the Federal constitution interfered with the exercise of that power. The Federal constitution nor any act of Congress relative to the State of Wisconsin withheld from the State the right to regulate and control the taking of fish and game within its borders. The treaty provisions of 1842, relied upon by the Indians was abrogated by the act of Congress creating the State of Wisconsin and vesting it with sovereign power. Further than this, the Interior Department has already ruled, as indicated in the communication of Honorable D.M. Browning, Commissioner, in the case of the Ute Indians, that the words "hunting and fishing" when used in treaties pending between the United States and the Indian tribes must be construed to mean the taking of fish and game in the ordinary sense of hunting, that is, to meet the necessities of the Indians in the taking of fish and game as an article of food for themselves. Article II of the treaty between the United States and the Ute Indians, ratified by an act of Congress approved April 20, 1874, provides: "The United States shall permit the Ute Indians to hunt upon said lands so long as the game lasts," etc.

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* *First Biennial Report of the Attorney General of the State of Wisconsin* (1902), pp. 305-07.

This language is much stronger than the language used in the treaty of 1842, under which the Indians contend for their right to fish in the present instance, and, concede that the act of 1842 is still operative, under the ruling of the Interior Department, the Indians are permitted to hunt and fish only in the ordinary sense and meaning of those terms, and cannot be permitted to wantonly destroy game or fish, in violation of existing laws.

It is my opinion that the Indians have a right to take fish off the coast of their reservations in this State within the mile limit, to the extent of meeting their own necessities as a food supply; but that they have no right to take fish in violation of the fish and game laws of Wisconsin, or to ship and sell the same off the reservations in violation of the State fish and game laws.

Yours very truly,
L.M. STURDEVANT.
Attorney General.

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*1924: Federal Versus State Control of Indians**

September 18, 1924.

GEORGE E. O'CONNOR,
District Attorney,
Eagle River, Wisconsin.

In your letter of September 12 you ask whether an act of congress of June 2, 1924, declaring all noncitizen Indians born within the territorial limits of the United States to be citizens of the United States takes away the jurisdiction and control of the federal government over tribal Indians residing on Indian reservations and places such jurisdiction and control in the state.

The answer to your question is that the mere grant of citizenship by the federal government to tribal Indians residing on Indian reservations does not withdraw or relinquish jurisdiction and control of the federal government over such Indians theretofore exercised. See opinion to H.B. Seers, epidemiologist, state board of health, under date of September 12, 1924, XIII Op. Atty. Gen. 498, a copy of which is herewith enclosed.

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* *Opinions of the Attorney General* 13 (1924), pp. 510-11.

By virtue of the provisions of art. III, sec. 1, Wis. Const., and sec. 6.02, subsec. (1), Wis. Stats., Indians who have once been declared by law of congress to be citizens of the United States do become voters in this state if otherwise qualified.

C.A. ERIKSON
Deputy Attorney General

*1925: State Handling of Indian Appropriations**

JOINT RESOLUTION

Memorializing congress to authorize the president to expend all or a part of the appropriations which it makes for the education, medical care and industrial assistance to the Indians of this state through the departments of the state government equipped to render this service.

WHEREAS, This state is vitally interested in the welfare of the eleven thousand Indians resident in Wisconsin who now constitute a part of its citizenship; and

WHEREAS, Congress in accordance with treaties and ancient established policy annually appropriates sums of money for the education, medical treatment and industrial development of the Indians; and

WHEREAS, These sums are now uneconomically and in many cases ineffectively expended due to the absence of technical facilities within the Indian Bureau to efficiently handle these sums and its lack of local contacts; and

WHEREAS, This state maintains efficient departments of agriculture, education and health which are technically equipped to give the Indians the education, medical care and industrial guidance which they so greatly need at minimum cost; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the congress of the United States be and is hereby urged to provide in the Interior Department appropriation bill for the fiscal year ending June 30, 1927, that all or a part of the amounts appropriated for the benefit of the Indians in this state be expended through the departments of agriculture, education and health; and be it further

Resolved, That properly attested copies of this resolution be transmitted to each house of congress of the United States and to each senator and representative from this state.

*1931: Moral Obligation to Grant Relief to Destitute Indians***

July 10, 1931.

G. ARTHUR JOHNSON,
District Attorney,
Ashland, Wisconsin.

In your letter of July 3 you state that the town of Sanborn in Ashland county is insolvent, that is, the taxes which they raised for paying the expenses of the town during the year 1931 were actually spent before they were paid into the treasury of the town, and the town is indebted to two of the local banks for loans which they have obtained from time to time; that there is so much delinquent land in the town of Sanborn that they are unable to raise enough cash by taxation to pay the ordinary expenses of the town.

You say that the Indians in the town are in destitute circumstances. The state nurse who is now working among the Indians has reported to your office from time to time stating that children there are actually starving to death because of need of food, and the situation has become too much of a burden for the various individuals who have been contributing toward their support; that the timber has all been cut on their lands and there is no industry of any kind in the town from which they can obtain employment. There are also a great many children whose mothers and fathers are dead, or have deserted them and cannot be compelled to provide for their support.

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* *Wisconsin Session Laws* (1925), p. 711.

** *Opinions of the Attorney General* 20 (1931), pp. 498-99.

You inquire whether under the circumstances there is any way of providing for the support of these people. You say that it is your opinion that the county is not under any obligation since you operate under the town system so far as the care of the poor is concerned, and the Indians have a legal settlement in the town of Sanborn. You ask for this opinion in order to be able to make a report to the county board with the suggestions from this department and also to advise as to what steps may be taken to relieve this situation.

It is true that under sec. 49.01, Stats., towns, villages and cities are obligated to support the poor who have a legal settlement in such town, and transients also under sec. 49.03, and the county has not been legally obligated to support the poor within the county unless the county has adopted the county system for taking care of the poor under sec. 49.15. You say that your county is not under the county system. While there is no legal obligation on the county to take care of these poor people in the town of Sanborn, still the county is authorized under the statute, it seems to me, to grant some relief. The county may adopt the county system and in that way obligate itself to take care of the poor within the county including those in the town of Sanborn. This the county may not be willing to do.

Under sec. 49.04 subsec. (3), it is provided:

> The board may also, by resolution adopted at its annual or special meeting, at the expense of the county, relieve and take care of all permanent poor persons who may be a charge upon any municipality in such county and cause them to be committed to the county home of such county, pursuant to section 49.07.

Under the above it may be possible to grant relief to some of these persons.

I will also refer you to sec. 59.08, special powers of the county board, as given in subsec. (9a), which reads thus:

> Establish such agencies and employ such personnel as it may deem necessary for the social welfare and protection of mentally defective, dependent, neglected, delinquent and illegitimate children within the county, fix the compensation of personnel so employed, and appropriate money for such agencies and personnel. Nothing herein shall authorize any departure from any of the provisions of any other statute relating to the social welfare and protection of such children, nor to relieve any county from any obligation imposed by any such statute, but any county board may provide additional facilities and agencies for the social welfare and protection of such children.

I believe this power granted to the county board is broad enough to grant relief to the starving Indian children in the town of Sanborn. As it is within the power of the county board to grant relief, I believe you should advise them of their power and the moral obligation resting upon them.

JOSEPH E. MESSERSCHMIDT
Assistant Attorney General

*1932: Tribal Courts Have Jurisdiction**

July 1, 1932.

EDWARD L. REYNOLDS,
Justice of the Peace,
Odanah, Wisconsin.

Section 328, Criminal Code, is found in Vol. 23 U.S. Statutes at Large on page 385 and in Vol. 18, U.S.C.A. sec. 548. The decisions thereunder provide that only United States courts have jurisdiction of the following eight crimes, to wit: murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, and larceny.

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* *Opinions of the Attorney General* 21 (1932), pp. 681-85.

It has been decided lately by the supreme court of Wisconsin, in a case that arose in Ashland county, that the state courts had no jurisdiction to try any of the above mentioned cases committed by one tribal Indian upon another. *State v. Rufus*, (Wis. case) 237 N.W. 67.

In the early cases in Wisconsin it was held that the criminal laws of Wisconsin extended over the Indian tribes. *State v. Doxtater*, 47 Wis. 278; *State v. Harris*, 47 Wis. 298.

On account of those two decisions, which were contrary to the decisions in other states, there has been a conflict among both lawyers and judges as to the jurisdiction of the state courts to try the reservation Indians for crimes. The federal courts in other districts, the United States Supreme Court and a few years ago Judge Risjord certified the question to the Supreme Court of Wisconsin, and they overruled the decisions in the early cases and held that the state court had no jurisdiction over the eight major crimes. *State v. Rufus*, 237 N.W. 67.

You know from your reading and culture that in the early days, long before the white man came and many years after he came, and even up to the present time, the Indian tribe and courts themselves tried their own Indians for a violation of their code of laws.

> At an early period it became the settled policy of Congress to permit the personal and domestic relations of the Indians with each other to be regulated, and offenses by one Indian against the person or property of another Indian would be dealt with according to their tribal customs and laws. *United States v. Quiver*, 241 U.S. 602, 603-604.

The supreme court said in this same case that outside of the major crimes mentioned above the following crimes should be tried by the tribal customs: bigamy, polgamy [sic], incest, adultery and fornication.

In California the federal court laid down this law:

> Where land is allotted to an Indian this does not take it out of the reservation and a justice of the peace cannot convict him of a violation of the game laws as they have no jurisdiction.

Prior to the statute which enumerated or named the eight major crimes, the supreme court of the United States held that the murder of an Indian by another Indian on an Indian reservation was not punishable under the laws of the United States and could be dealt with only according to the laws of the tribe. *Ex parte Crow Dog*, 109 U.S. 556.

This would seem to imply that where congress has not seen fit to define other crimes except the eight above mentioned, the tribe would deal with the others.

Generally on a reservation there is an Indian agent and also an Indian police and if the United States government does not see fit to have an Indian police or punish other crimes and misdemeanors, the state cannot step in and do so, as there should be no division of authority. In the case of *In re Black Bird*, 109 Fed. 139, the court decided that the authorities of the state of Wisconsin have no jurisdiction to enforce the game and fish laws of the state against members of the Chippewa Indian tribe residing on the Bad River reservation by arresting and punishing them for acts committed on their reservation.

In the case of *United States v. Gardner*, 189 Fed. 690, which is a Wisconsin case pertaining to a mixed-blood Stockbridge, the court held that if he lived within the limits of a reservation under the care of an Indian agent and policed by Indian police, he was an Indian and the federal courts had jurisdiction within the limits of an Indian reservation, although his father was a white man and his mother a part-blood Indian who had never been enrolled. The fact that he is a United States citizen does not give the state courts jurisdiction.

Here is a Minnesota case decided June 1, 1893, *State v. Campbell et al.*, 55 N.W. 553:

> But Indians, while preserving their tribal relations, and residing on a reservation set apart for them by the United States, are the wards of the general government, and as such the subject of federal authority, and the power to legislate for them is exclusively in congress. And for acts committed within the limits of the reservation, they are not subject to the criminal laws of the state. (Syllabus.)

Two parties were convicted in the district court of Becker county of the crime of adultery. They had their tribal organization and were under the care and supervision of the federal government. They were under charge of the government agent receiving annuities from the United States. They were tribal Indians who would not abandon their tribe. The court in writing this decision takes this proposition: "From necessity there can be no divided authority." *The Kansas Indians*, 72 U.S. (5 Wall.) 737, 755. The Indians are wards and the United States is their guardian.

To illustrate, assume that you are a guardian for drunkards and have given bonds to the county court of Ashland county. Isn't it up to you to take charge of your ward and prevent him or punish him for getting drunk if you can? Isn't this the same with the United States government?

You state in your letter further that the Indian office will not do anything. There must be some federal law that will bar the Indians from making a disturbance and if there is none, the leading headmen or chiefs should set up an Indian court and punish them under tribal laws or customs. It is true also that if white men or Indians from some other reservation come and make disturbances, the state courts have power to punish them.

The supreme court in *Draper v. United States* has the following to say, p. 247:

> In reserving to the United States jurisdiction and control over Indian lands it was not intended to deprive that state [Montana] of power to punish for crimes committed on a reservation or Indian lands by other than Indians or against Indians, * * *" *Draper v. United States*, 164 U.S. 240.

In the case *Ex parte Jesse Cross*, 20 Neb. 417, it was held that in the case involving horse stealing the state courts have no authority to punish the Indian. In *State v. Columbia George*, 39 Ore. 127, which was a western case, it was stated that the Indian tribes try the Indian for lesser offenses. They have their own domestic and peculiar rules and regulations and if an Indian commits an offense in the Indian country and has been punished by the local laws of the tribe, he cannot be punished again.

(a) It was held in a New York case that the conservation laws of the state of New York did not extend to Indians maintaining their tribal relations and residing upon an Indian reservation, but congress has the power to govern Indian tribes by legislation.

(b) It was decided in a case that arose in Massachusetts that the state has no authority over tribal Indians. *Manchester v. Massachusetts*, 139 U.S. 240.

(c) The power of congress, however, to terminate and end federal guardianship of tribal Indians and to break up the tribal organization is exclusively in the federal government. *Matter of Heff*, 197 U.S. 499.

It is for you to determine, however, as to whether the Odanah or Bad River Indians still have tribal relations. It is my understanding that they have. In fact I think the courts have so decided.

From a careful study of this question it is our conclusion that a justice of the peace has no jurisdiction to try tribal Indians that are wards of the United States government for any offense committed by one Indian upon the person of another on tribal land or United States property used in government and control of said Indian wards.

JOHN W. REYNOLDS
Attorney General

*1935: Indian Rights Day**

July fourth is designated as "Indian Rights Day," and in conjunction with the celebration of Independence Day, appropriate exercises or celebrations may be held in commemoration of the granting by congress of home rule and a bill of rights to the American Indians. When the fourth of July falls on Sunday, exercises or celebrations of Indian Rights Day may be held on either the third or the fifth. [*1935 c. 277*]

*1951: Governors' Interstate Indian Council***

CHAPTER 387.

AN ACT to create 14.75(4) of the statutes, relating to a committee to represent the state on the governors' interstate Indian council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 14.75(4) of the statutes is created to read:

14.75(4) Within the commission there is created a committee of 2, one an Indian, to represent the state on the governors' interstate Indian council. The appointments to the committee shall be made by the governor and for such term as may be fixed by him. The members of the committee shall serve without compensation, except that they shall be paid their actual and necessary expenses from the allotment provided for that purpose in the appropriation made by section 20.67, on vouchers approved by the governor. The committee shall:

(a) Attend meetings of the council;

(b) Assist in developing a program for the readjustment of Indian affairs which will be more in keeping with the present-day needs of the Indian;

(c) Assist in accomplishing the social and economic rehabilitation of Indians with emphasis upon the initiative and self-reliance of the Indian himself;

(d) Assist in equipping Indians for living with and in our American culture through education and training;

(e) Assist in encouraging Indians to preserve, as individuals, their best traditions and mores as an integral part of American life;

(f) Assist in bringing an early end to federal wardship, with adequate federal aid in the interim; and

(g) Join with representatives of other states having substantial Indian populations and in co-operation with the federal government, in finding a solution to Indian problems.

Approved June 12, 1951.

*1951: Selling Oleomargarine: State or Federal Jurisdiction?****

Criminal Law— Dairy, Food and Drugs— Colored Oleomargarine— Sale on Indian Reservation—State is without jurisdiction to prosecute Indian for sale of colored oleomargarine in violation of sec. 97.39(3), Stats., when such sale was made on an Indian reservation.

October 5, 1951.

DONALD N. MCDOWELL, *Director,*
Department of Agriculture.

You state that a food inspector employed by your department has purchased an official sample of colored oleomargarine at a store operated by the Menominee Indian Mills on the Menominee Indian reservation. You inquire whether the Wisconsin statutes prohibiting sale of colored oleomargarine apply to this situation, and if not, whether the federal Assimilative Crimes Act applies.

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* *Wisconsin Statutes* (1935), p. 515.

** *Wisconsin Session Laws* (1951), p. 262-63.

*** *Opinions of the Attorney General* 40 (1951), pp. 361-62.

The sale of colored oleomargarine is prohibited by sec. 97.39(3) of the Wisconsin statutes (Laws 1951, ch. 571), the maximum penalty for violation of which is a fine of $200 or imprisonment for 6 months in the county jail for the first offense, and a fine of $200 to $500 or imprisonment of 30 days to 6 months in the county jail, or both such fine and imprisonment, for each subsequent offense, under sec. 97.72(3), Stats. (Laws 1951, ch. 223). It is therefore a criminal offense.

I assume that the sale in question was made by an Indian. It is well established that (with certain exceptions not material here) state courts have no jurisdiction to punish Indians for violations of state law committed on Indian reservations. *United States v. Kagama*, (1886) 118 U.S. 375; *In re Application of Konaha*, (CCA 7th, 1942) 131 F.2d 737; *State v. Rufus*, (1931) 205 Wis. 317, 237 N.W. 67; Cohen, *Handbook of Federal Indian Law*, (1941) p. 146. It follows that the answer to your first question is "No."

The federal statutes in question are the Assimilative Crimes Act, 18 U.S.C.A. sec. 13, and the act extending the general penal laws of the United States to Indian reservations, 18 U.S.C.A. sec. 1152. So far as material to this opinion the foregoing statutes provide as follows:

> Sec. 13 Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in section 7 of this title, is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State, Territory, Possession, or District in which such place is situated, by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.
>
> Sec. 1152 Except as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

The Assimilative Crimes Act (18 U.S.C.A. sec. 13, *supra*) has been held to apply to Indian reservations by virtue of 18 U.S.C.A. sec. 1152. *Williams v. U.S.*, (1946) 327 U.S. 711; *U.S. v. Sosseur*, (CCA 7th, 1950) 181 F.2d 873, 874.

It is possible that the Assimilative Crimes Act makes the violation of Wisconsin laws against the sale of colored oleomargarine applicable to the Menominee Indian reservation. However, whether it does or not is a question of federal law concerning which we cannot give you an authoritative answer. See *Johnson v. Yellow Cab Transit Co.*, (1944) 321 U.S. 383, 389-390.

You are therefore advised that the correct procedure to follow in this connection is to report the facts to the United States attorney's office in Milwaukee and abide by the decision of that office as to whether or not a prosecution in federal court under the Assimilative Crimes Act will be authorized.

WILLIAM A. PLATZ
Assistant Attorney General

*1959: Menominee County**

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

SECTION 1. The reasons for this enactment are as follows:

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* *Wisconsin Session Laws* (1959), p. 300-01.

(1) Public law 83-399, as amended, provides for the orderly termination of federal supervision over the property and members of the Menominee Indian tribe of Wisconsin, pursuant to a plan to be submitted to the secretary of the interior by the tribe, and then approved by him; which plan shall provide for the future control of the tribal property and service functions, including, but not limited to, services in the fields of health, education, welfare, credit, roads and law and order, and for all other matters involved in the withdrawal of federal supervision; and which plan shall also contain provision for protection of the Menominee forest on a sustained-yield basis, and for the protection of the water, soil, fish and wildlife;

(2) The secretary of interior is further directed by P.L. 83-399 to transfer to the tribe or an organization selected by it, not later than December 31, 1960, the title to all property, real and personal, held in trust by the United States for the tribe;

(3) The real property held in trust by the United States for the tribe, which is termed the Menominee Indian reservation, consists of 365 square miles, 7 townships located in Shawano county and 3 townships in Oconto county, which reservation has unique physical and population characteristics, in that the great proportion of such territory consists of forest lands and the population consists primarily of citizens of Indian descent;

(4) The Menominee Indian tribe consists of 3,270 "enrolled members" (as defined by congress), of which approximately 2,700 live on the reservation along with an additional 1,000 persons, many of whom are of Indian extraction;

(5) The overwhelming majority of the adult members of the tribe who voted in a referendum on September 9, 1958, have voted to request this state to create a separate county out of 10 townships, said county to be named "Menominee" county;

(6) The county boards of supervisors of Shawano, Langlade and Marinette counties, of which the first 2 border on the Menominee Indian reservation, have each voted to support the request of the tribe for a separate county, and the county board of supervisors of Oconto county, the only other county bordering on the reservation, has taken no action with respect to support of such request; and

(7) Shawano and Oconto counties each have in excess of 900 square miles.

SECTION 2. The 7 townships in Shawano county and 3 townships in Oconto county which presently constitute the Menominee Indian reservation, shall, on the effective date of this act, be detached from their respective counties and constitute the county of Menominee, which county shall have all of the rights, powers and privileges by law granted to and possessed by other counties of this state, and shall be subject to all the general laws prescribed for the government of such counties, except as otherwise provided in this act . . . .

Approved July 30, 1959.

*1964: Indians Subject to State Conservation Laws**

Hunting and Fishing Laws— Indians—Discussion of Public Law 280 regarding applicability of conservation laws to Indians in Wisconsin and amendments necessary for statutory compliance.

December 30, 1964.

L.P. VOIGT, *Director*
State Conservation Commission

You ask whether the state conservation laws now apply without restriction to all persons, including tribal Indians residing on non-patented lands within the boundaries of any Indian reservation in the state. Your request is prompted by the 1953 enactment of Public Law 280 (18 U.S.C.A. sec. 1162), the material parts of which are:

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* *Opinions of the Attorney General* 53 (1964), p. 222-31.

(a) Each of the States or Territories listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed opposite the name of the State or Territory to the same extent that such State or Territory has jurisdiction over offenses committed elsewhere within the State or Territory, and the criminal laws of such State or Territory, shall have the same force and effect within such Indian country as they have elsewhere within the State or Territory:

* * *

Wisconsin . . . . All Indian country within the State . . . .

Prior to enactment of Public Law 280, the law of Wisconsin relating to Indian hunting and fishing rights was quite clear. In *State v. Morrin*, (1908) . . . , the court held that Indians not residing within the boundaries of an Indian reservation were subject to the conservation laws. As to Indians residing on lands within a reservation but not fully patented, however, such laws did not apply . . . .

You are . . . advised that in my opinion: (1) Public Law 280 has extinguished the federal immunity of Wisconsin Indians from operation of the conservation laws while hunting, fishing or trapping on reservation lands in the state; but (2) specific state legislation should extend the applicability of such laws to Indians in those circumstances.

AH:RM

*1967: Indians Not Subject to State Conservation Laws on Their Reservations**

*Hunting and Fishing— Indian Reservations—*State has no jurisdiction to apply hunting, fishing, and trapping regulations to Indians residing on non-patented lands and hunting, fishing, or trapping thereon. Menominee reservation having assumed the status of a county is under the jurisdiction of the state.

January 23, 1967.

JOSEPH PRELOZNIK	PHILIP S. HABERMANN
Director,	*Executive Director,*
Wisconsin Judicare	*State Bar*

You have requested a formal opinion on the question of whether state conservation laws may be applied to Indians residing on lands within the boundaries of any Indian reservation in the state and also in Menominee county, formerly the Menominee Indian Reservation. Wisconsin Judicare is a pilot project sponsored by the state bar and financed by the Office of Economic Opportunity for the purpose of making legal services available to low-income persons in twenty-six northern Wisconsin counties. You indicate that most of the state's Indian population lives within this area, and that the judicare board, the policy making body of Judicare, voted to extend legal assistance to the Great Lakes Inter-Tribal Council, Inc., which represents several Wisconsin Indian tribes.

On December 30, 1964, my immediate predecessor in office issued an opinion that under Public Law 280 . . . , the state fish and game laws were applicable to all non-patented lands and to individual Indians within the boundaries of any Indian reservation within the state of Wisconsin . . . . I disagree with this conclusion . . . .

Public Law 280 . . . is a regulation of Indian rights by statute. When the statute is read in its entirety it is clear that there was no intent on the part of congress to affect existing hunting, trapping or fishing rights in any way. Rather, the clear legislative intent was, in my opinion, to subject the Indians to all criminal laws of the state, but to leave the hunting, fishing and trapping rights as they were prior to the enactment of the law . . . .

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* *Opinions of the Attorney General* 56 (1967), p. 11-20.

One cannot escape the conclusion that . . . there was a contract between the Indians and the United States under which it was agreed that the Indians should retain or accede to certain rights and interests in both the reserved and granted areas. Consideration of the Indian way of life at the time the reservations were established leads only to the equally obvious conclusion that these rights included the unrestricted right to hunt and fish their lands . . . .

It is, therefore, my opinion that the state of Wisconsin is not free to apply its hunting, fishing and trapping laws to Indians residing on non-patented reservation lands when hunting, fishing or trapping on non-patented lands within the confines of the reservation.

It should be noted that this opinion does not cover all of the tribes or bands mentioned in your letter. The opinion is limited to hunting, fishing and trapping done on non-patented reservation lands by Indians who reside therein. Also, you specifically refer to the lands formerly constituting the Menominee Indian reservation, now Menominee county, in regard to the question of conservation law enforcement. Former Attorney General John W. Reynolds . . . stated his opinion that the federal Termination Act rendered the state fish and game laws applicable to land in Menominee county. I share his opinion . . . .

BRONSON C. LA FOLLETTE
Attorney General

WILLIAM F. EICH
Assistant Attorney General

Game wardens serving the Lac du Flambeau reservation are shown checking over and tagging the furs brought to them by Indians. From the Governor's Commission on Human Rights, Handbook on Wisconsin Indians. *Madison: State of Wisconsin, 1952, p. 17.*

BEST COPY AVAILABLE

*1974: American Indian Language and Culture Education Board**

CHAPTER 220, Laws of 1973

AN ACT to create 15.377(4) of the statutes, relating to creating a council on Indian education.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

15.377(4) of the statutes is created to read:

15.377(4) COUNCIL ON INDIAN EDUCATION. There is created a council on Indian education attached to the department of public instruction for administrative purposes. The council shall consist of 10 persons who are members of the education committee of the great lakes intertribal council, and shall be appointed by the governor. The council shall advise the state superintendent of public instruction, the board of regents of the university of Wisconsin system, the higher educational aids board, and the board of vocational, technical and adult education.

*1977: Deer Hunting by Practitioners of the Winnebago Religion***

AN ACT to create 29.106 of the statutes, relating to deer hunting by practitioners of the Winnebago [now known as Ho-Chunk] religion, granting rule-making authority and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.106 of the statutes is created to read:

29.106 Deer hunting by practitioners of Winnebago religion. (1) Persons who are enrolled members of the Winnebago Indian tribe and residents of this state and who practice the traditional Winnebago religion may hunt deer during daylight hours for the members' use in religious ceremonies without obtaining licenses under this chapter. Each hunting party shall be designated by the respective clan. Each clan leader shall obtain permission for deer hunting under this section from the department not less than 24 hours prior to each hunt.

(2) The department shall promulgate rules necessary to control the conditions and location under which hunting under this section may take place. The department may deny permission for hunting under this section when it determines that such a denial is necessary to effectively manage the deer population. The number of deer taken by all of the Winnebago clans for religious purposes during any calendar year shall be established by the department, by rule, when necessary to effectively manage the deer population. Hunting privileges under this section may not be exercised during the regular open season for deer.

(3) Nothing in this section may be construed to eliminate any requirement that a landowner's permission must be obtained prior to hunting on his or her land.

*1983: Cooperation with Tribal Governments****

Executive Order 31

October 13, 1983.

WHEREAS, there are eleven federally recognized Tribal governments located within the State of Wisconsin, each retaining attributes of sovereignty, authority for self-government within their territories and over their citizens; and

WHEREAS, our Nation, over the course of two centuries has dealt with American Indian tribes through the application of international common law, negotiation of treaties, and constitutional interpretation of law, each recognizing the special government-to-government relationship as the basis for existance [*sic*]; and

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* *Wisconsin Session Laws* (1973), p. 705-06.

** *Wisconsin Session Laws* (1977), p. 1125.

*** *Executive Order No. 31*. 13 Oct. 1983. Wisconsin Governor, Executive Orders, 1983-1986, microfilm, State Historical Society of Wisconsin Library, Madison, WI.

WHEREAS, the Supreme Court has consistently upheld this unique political relationship developed between Indian tribes and the United States government; and

WHEREAS, the State of Wisconsin was established in 1848 with a continuous vested interest in service to all of its citizens regardless of specific jurisdiction, ethnic or cultural background, religious affiliation or sex; and

WHEREAS, it is in the best interest of all units of government, federal, tribal, state and local to recognize the pluralistic diversity of our government and society;

NOW, THEREFORE, I, ANTHONY S. EARL, Governor of the State of Wisconsin, order my administration, state agencies and secretaries to work in a spirit of cooperation with the goals and aspirations of American Indian Tribal Governments, to seek out a mutual atmosphere of education, understanding and trust with the highest level of tribal government leaders.

AND, FURTHERMORE, all state agencies shall recognize this unique relationship based on treaties and law and shall recognize the tribal judicial systems and their decisions and all those endeavors designed to elevate the social and political living conditions of their citizens to the benefit of all.

1991: Accepting the Final Order in the Chippewa Treaty Rights Litigation[*]

Statement by Attorney General James E. Doyle, Jr.
Madison, Wisconsin
May 20, 1991, 9:30 A.M.

Sixty days ago, Judge Crabb entered a final order in the treaty rights litigation. The Federal District Court has issued a set of decisions on a variety of issues involving the treaty. Last week, lawyers for the various bands of the Chippewa tribe involved in the litigation informed us that they would not appeal any of the issues, if the State also did not appeal.

After extensive consideration and consultation, Secretary Besadny and I are announcing today that the State will not appeal to the U.S. Court of Appeals for the Seventh Circuit. This means that a long and costly legal battle has been put to rest. It allows us to open a new chapter in state, community and tribal relations.

This case has been fully litigated. Wisconsin and the tribe have been in court for nearly 17 years. Judge Crabb has heard a great deal of testimony and she has issued well-reasoned, comprehensive decisions. The matter has already been to the Seventh Circuit Court of Appeals twice.

This decision has required an extensive legal review of what the state could win or lose through a possible appeal. The DNR, [Department of Natural Resources] as the client agency, in consultation with the lawyers in this office, has concluded that a further appeal of this case would serve no useful purpose, and might jeopardize the gains we have made. And, I concur.

The fundamental question of off-reservation treaty rights has already been decided by the Seventh Circuit Court of Appeals in this litigation. In 1978, my father ruled that the Chippewas' off-reservation rights set out in the treaties of 1837 and 1842 had been extinguished. On appeal, in 1983 the Seventh Circuit said my father's ruling was incorrect and declared that the off-reservation rights were valid. The State asked the U.S. Supreme Court to review that decision and the Supreme Court declined.

I know that many people in Wisconsin hold out hopes that another appeal would produce a different outcome. The general rule of law is that an issue once decided cannot be litigated again. There is no reasonable basis for a belief that the Seventh Circuit, or the Supreme Court, would deviate from this general rule and that the outcome on this basic issue would be any different today.

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[*] Ronald N. Satz, *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective* (Madison: Wisconsin Academy of Sciences, Arts, and Letters, 1991), Appendix 9, pp. 195-97.

Our decision was reached after an exceptionally thorough legal review by many lawyers in this department over the last sixty days and extensive consultation with the DNR, the Department of Administration and the Governor's Office.

Wisconsin has won many significant victories in this case, all of which would be jeopardized in any appeal. These victories include:

1. The tribe cannot sue the state for past monetary damages . . . A claim the tribe has said is worth over $300 million.

2. The treaties do not extend to the commercial harvest of timber. A contrary ruling would cost the counties of this state millions of dollars annually.

3. The state has the ultimate authority to protect and manage the resources in the ceded territory.

4. Tribal members cannot enter onto privately-owned lands to exercise their rights.

5. Treaty rights do not extend to privately-owned stream beds, river bottoms and overflowed lands.

6. The tribe is not entitled to all the available resources necessary to sustain a modest standard of living. Rather, the resources must be shared on a 50-50 basis.

7. The State can impose on tribal members its boating and safety regulations, even when the Chippewa are engaging in treaty protected activity. Thus, the tribe cannot shine deer or engage in summer deer hunting.

An appeal would put all of these significant victories at risk. And, for those who doubt that, let's remember that the fundamental off-reservation rights were granted on an appeal.

This is an appropriate time to put this case to rest. The people of northern Wisconsin are tired of fighting with each other. They know that we have far more important issues facing us.

Because of outstanding community and tribal cooperation and an excellent job by law enforcement, the 1991 spearfishing season was remarkably quiet. We have had two consecutive years now of improved relations and a real understanding that both sides need to get on with their lives. Rather than spending millions of dollars on law enforcement and attorneys' fees, I think everyone in northern Wisconsin would prefer to support economic development, tourism and education.

I have been impressed with the many ways in which the citizens of northern Wisconsin . . . tribal and non-tribal . . . have been working together to bring about economic development and cultural understanding. The state has a responsibility to support those efforts through words and action.

In my short time as Attorney General, I've made seven trips to northern Wisconsin on this issue. I've seen firsthand community leaders and tribal leaders sitting down together at the same table to talk about how to improve tourism and the economy. I've seen tribal fish hatcheries that are stocking fish in off-reservation lakes for all of us to enjoy. And, I've heard the good people of northern Wisconsin talk frankly about the ugly image that some in the nation have had of our state.

I'm proud of what I've seen and the cooperation in the north convinces me even more that it is time to move on.

The long legal struggle is now over. It is time to recognize, as the Court has, that both sides have rights. The work of the Court is finished. It is now up to the State and all the people of Wisconsin to build on the relationship that we have begun.

Those of us who call Wisconsin home do so because we love the quality of life here. Our natural resources make this state special and the people here are second to none. I know that we still have a lot of work ahead of us. But, I am confident that our children will be much better off for the struggle.

Fundamental 32

Wisconsin Indian Treaty Rights

by Howard J. Bichler

A discussion of treaty rights often concentrates on the Indians' ability to hunt, fish, and gather on and off of the reservation, although the subject of treaty rights can be much broader and includes rights to water, control of reservation development, health and education rights, and general rights of self-government. Most of the guiding principles of treaty law governing the exercise of treaty rights to hunt, fish, and gather apply to other treaty rights as well.

General Principles

At the time of first European contact, American Indians were in sole possession of the land and of all of the rights attached to the land. This ownership has been described as aboriginal title and forms one of the foundations to Indian rights today. Indian aboriginal claims to hunt, fish, and gather are founded on immemorial custom, and practice. Generally, aboriginal rights remain with Indians unless they have been granted to the United States by treaty, otherwise abandoned, or extinguished by congressional enactment.

Indian hunting, fishing, and gathering rights are frequently preserved in treaties between the United States and various Indian tribes. The doctrine of reserved rights was set forth in an early twentieth-century Supreme Court case, *United States v. Winans*, 198 U.S. 371, 381 (1905), as follows: "The treaty was not a grant of rights to the Indians, but a grant of rights from them—a reservation of those not granted."

Simply stated, tribes retain their rights associated with the land unless they expressly give them up in the treaty. A right associated with the land cannot be given up or lost through silence or inaction in a treaty.

Because aboriginal rights are traced back to original ownership of the land, rights derived from that ownership are considered property rights. If one wishes to extinguish that property right, the courts have stated that the Constitution's Fifth Amendment prohibition against taking without just compensation applies. Tribes are therefore entitled to payment due to the property interest involved.

More than 300 treaties were executed between the U.S. government and various Indian tribes before treaty making with Indian tribes ended in 1871. Treaties were one of the ways that the United States sought to extinguish elements of aboriginal title through purchase of land from the tribes. Essentially treaties are contracts between the United States and tribes. As noted above, the *Winans* doctrine requires that treaties be viewed as a grant from tribes to the United States and not vice versa.

The Supremacy Clause of the U.S. Constitution requires that treaties be considered the supreme law of the land.

> . . . . all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme Law of the Land; and the judges in every state shall be bound thereby, in any thing in the Constitution or laws of any state to the contrary and notwithstanding.

Due to this provision, any state laws that conflict with treaty rights are invalid.

A body of law has developed with regard to how treaty language is interpreted, often hundreds of years after the treaty was signed. These canons or rules of interpretation have been fashioned by courts in order to fulfill the central purposes of the various treaties. Some of those canons or rules of interpretation are the following:

- Treaties must be interpreted as the Indians would have understood them at the time they were made.
- Doubtful or ambiguous expressions are resolved in favor of the Indian parties.
- Treaties must be construed liberally in favor of the Indians.

These canons are necessary due to the circumstances of various treaty negotiations. The federal government often imposed treaties upon the tribes and the various parties usually had unequal bargaining power. In addition, treaties were written in English and often the only source of guidance to the tribes was a non-Indian interpreter, hired by the U.S. government. Often, these U.S. negotiators were unclear as to the intended content of the treaties.

On-Reservation Treaty Rights

Indian tribes generally retain full hunting, fishing, and gathering rights on their own reservations. Exclusive rights to hunt, fish, and gather are reserved unless the rights were relinquished by treaty or modified by statutes. The establishment of the reservation usually implies these exclusive rights whether or not the reservation was set aside by treaty, statute, agreement, or executive order.

Tribes generally retain the sovereign authority to regulate their members' hunting, fishing, and gathering within the tribe's reservation. Federal courts have upheld the tribes' rights to impose civil and criminal regulations on their own members. The more difficult issue is whether the state may regulate the on-reservation hunting, fishing, and gathering activities of tribal members. The general assumption is that states do not have authority to regulate the affairs of Indians on-reservation. Typically state jurisdiction over on-reservation activities of Indians requires some form of federal authorization of state regulation. With respect to on-reservation hunting, fishing, and gathering activities, no state authority exists. Rather, the U.S. Code specifically prohibits state jurisdiction over on-reservation hunting, fishing, and gathering:

> Nothing in this section shall deprive any Indian or any Indian tribe, band or community of any right, privilege or immunity afforded under federal treaty, agreement or statute with respect to hunting, trapping or fishing or the control, licensing or regulation thereof. (25 U.S.C. sec. 1321[d])

Federal court cases have suggested that in limited circumstances the U.S. government may have considerable authority to regulate on-reservation Indian hunting, fishing, and gathering rights. Interim federal game regulations have been justified by a condition of endangerment or extinction to game resources on the reservation. In the case of *Northern Arapaho Tribe v. Hodel*, 808 F.2d 741 (10th Cir. 1987), the court sustained the authority of the Secretary of the Interior to issue interim game regulations in order to preserve reservation game resources. The U.S. Supreme Court in the *United States v. Dion*, 474 U.S. 900 (1985) case held that the Eagle Protection Act abrogated Indian treaty rights to take bald and golden eagles except as permitted by the act under a permit system for religious purposes. Generally however, tribes retain the authority to regulate on-reservation activities of tribal members. In addition, tribes are able in limited circumstances to regulate activities of non-Indians on the reservation.

Wisconsin has eleven federally recognized Indian tribes each of which has a reservation or land held in trust by the federal government in Wisconsin. (See fundamental 2) The following is a listing of Wisconsin reservations and the mechanism used in their creation.

Bad River Band of Lake Superior Chippewa Indians. The Bad River Indian reservation was created pursuant to the 1854 Treaty between the United States and the Lake Superior Chippewa Indians. (See treaty 24)

Forest County Potawatomi. Residents of Potawatomi villages were removed from the midwest and located in Kansas pursuant to treaties with the United States. Groups returned to their ancestral northern lands in the 1830s and 1840s. Among them were the Forest County Potawatomi. The Forest County Potawatomi were landless until 1913 when the U.S. government purchased lands for their use.

Lac Courte Oreilles Band of Lake Superior Chippewa Indians. The Lac Courte Oreilles reservation was created pursuant to the 1854 Treaty between the United States and the Lake Superior Chippewa Indians. (See treaty 24)

Lac du Flambeau Band of Lake Superior Chippewa Indians. The Lac du Flambeau reservation was created pursuant to the 1854 Treaty between the United States and the Lake Superior Chippewa Indians. (See treaty 24)

Menominee Indian Tribe of Wisconsin. The Menominee Indian reservation was created by the Treaty of Wolf River in 1854. (10 Stat. 1064) The reservation was reduced by an 1856 Treaty with the United States (see treaty 27), in which the Menominee tribe ceded 44,000 acres to provide a reservation for the Stockbridge-Munsee Band of the Mohican Indians.

Oneida Tribe of Indians of Wisconsin. The Oneida tribe was originally located in New York state but was removed to the State of Wisconsin where a reservation was created for the tribe pursuant to the 1838 Treaty with the United States. (See treaty 18)

Red Cliff Band of Lake Superior Chippewa Indians. The Red Cliff reservation was created pursuant to the 1854 Treaty between the United States and the Lake Superior Chippewa Indians. (See treaty 24)

St. Croix Chippewa Indians of Wisconsin. The St. Croix reservation was established pursuant to the Indian Reorganization Act of 1934. (48 Stat. 984)

Sokaogon Chippewa Community—Mole Lake Band. The Mole Lake reservation was established pursuant to the Indian Reorganization Act of 1934. (48 Stat. 984)

Stockbridge-Munsee Band of Mohican Indians. The Stockbridge-Munsee tribe was once settled on a reservation in Stockbridge, Massachusetts. After several westward moves, the tribe signed a treaty in 1856 and settled on 44,000 acres in Wisconsin. (See treaty 26) In 1871, the original Stockbridge reservation was reduced by 12,000 acres, by the passage of 16 Wis. Stat. 404. By the 1930s, the Stockbridge-Munsee tribe was almost landless, until an additional 15,000 acres was granted to the tribe through Executive Order No. 7716.

Wisconsin Ho-Chunk (formerly Winnebago) Nation. The Wisconsin Ho-Chunk nation is made up of Ho-Chunk Indians who refused to leave Wisconsin for a reservation in Nebraska, or those who were removed only to return. During the 1870s and 1880s the federal government allowed these Ho-Chunks remaining in Wisconsin to take 40- to 60-acre homesteads in Wisconsin. (18 Stat. 420) In addition, the United States presently holds in trust for the tribe several hundred acres of land. Ho-Chunk communities are scattered across 14 Wisconsin counties.

Off-Reservation Treaty Rights

Off-reservation treaty rights to hunt, fish, and gather have been extensively litigated in the Pacific Northwest and Midwest. As a general principle, tribal regulations do not apply off-reservation unless the regulation is related to tribal member activities conducted pursuant to off-reservation treaty rights.

Where off-reservation treaty rights have been found by courts to exist, the court then must decide whether the state or tribal regulations apply. In a series of U.S. Supreme Court cases the court has held that state fish and game regulations could apply to off-reservation hunting, fishing, and gathering activities. The following two conditions must be present before state regulations apply:

- conduct could be regulated by states when reasonable and necessary for conservation.
- the state must first show that the conservation standard cannot be first satisfied by a restriction on similar non-Indian activity.

A third standard has subsequently been adopted by some courts allowing state regulation for purposes of protecting public health and safety.

Even if state regulations have been applied to off-reservation activities, a tribe may exclude state regulations by adopting tribal regulations. In order to forego state regulations the tribe must meet certain qualifications (such as viable government, effective tribal courts, enforcement officers). If the tribe meets the tests of self-regulation, the tribe has exclusive jurisdiction over its members' off-reservation, treaty-protected activities.

The American Indian Religious Freedom Act

Congress passed the American Indian Religious Freedom Act of 1978, Public Law No. 95-341, codified at 42 U.S.C. sec. 1966 as part of an effort to safeguard traditional Indian religious activity. The act provides the following policy:

> It shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional sites.

The Act also required the president to survey various federal departments and agencies to evaluate in consultation with Indian religious leaders what changes were needed in agency and department policies and procedures and to report to Congress.

Efforts to invoke the Act to limit federal policies adversely affecting Indian access to religious sites have been by and large proven unsuccessful. In the case *Lyng v. Northwest Indian Cemetery Protective Association*, 485 U.S. 439 (1988), the U.S. Supreme Court rejected an interpretation of the Act authorizing an injunction against agency action. Rather, the court, quoting the *Congressional Record* stated that the Act was "aimed at ensuring that the basic right of the Indian people to exercise their traditional religious practices must yield to some higher consideration." In *Lyng*, the tribes attempted to stop the construction of U.S. Forest Service roads through an area traditionally used for religious purposes by members of three Indian tribes in northwestern California.

Wisconsin Accommodations of Indian Religious Practices

The State of Wisconsin in 1977 by adoption of Section 29.106 of the Wisconsin Statutes recognized the need of practitioners of Ho-Chunk (then called Winnebago) religion to hunt deer free of most regulations. Section 29.106 reads as follows:

> 1) Persons who are enrolled members of the Winnebago Indian tribe and residents of this state and who practice the traditional Winnebago religion may hunt deer during the daylight hours for the members' use in religious ceremonies without obtaining licenses under this chapter. Each hunting party shall be designated by the respective clan. Each clan leader shall obtain permission for deer hunting under this section from the department not less than 24 hours prior to each hunt.
>
> 2) The department shall promulgate rules necessary to control the conditions and location under which hunting under this section may take place. The department may deny permission for hunting under this section when it determines that such a denial is necessary to effectively manage the deer population. The number of deer taken by all of the Winnebago clans for religious purposes during any calendar year shall be established by the department, by rule, when necessary to effectively manage the deer population. Hunting privileges under this section may not be exercised during the regular open season for deer.
>
> 3) Nothing in this section may be construed to eliminate any requirements that a landowner's permission must be obtained prior to hunting on his or her land.

[This information on deer hunting also appears in fundamental 31.]

In addition to the above statutory consideration of Wisconsin Ho-Chunk deer hunting for religious purposes, the State of Wisconsin Chippewa tribes agreed on systems for allowing the harvest of natural resources for religious purposes as part of the *Voigt* litigation.

Case References—Wisconsin

Menominee Tribe of Wisconsin v. United States. (394 U.S. 404 [1968]). Menominee tribe retains the rights to hunt and fish on lands which formerly were tribe's reservation. Treaty language, "to be held as Indian lands are held," construed to include rights to hunt and fish.

State v. Gurnoe. (53 Wis.2d 390, 192 N.W.2d 892 [1972]). Red Cliff Band of Chippewa have treaty protected right to fish adjacent to reservation pursuant to Treaty of 1854. The State of Wisconsin can regulate exercise of treaty fishing rights if regulation is reasonable and necessary to prevent substantial depletion of fish, or for other valid state purposes.

State v. Lemieux. (106 Wis.2d 484, 317 N.W.2d 166 [Ct.App. 1982]), Aff'd 110 Wis.2d 158, 327 N.W.2d 669 (1983). State law prohibiting loaded and uncased firearm in vehicle is illegal infringement upon tribal member's treaty-protected hunting rights within reservation boundaries. Holding is not affected by fact that conduct occurred on a public highway right-of-way within the Bad River Indian reservation.

Peterson v. Christensen. (455 F.Supp. 1095 [E.D. Wis. 1978]). Treaty protection extends to fishing by modern commercial methods. Changes in fishing technology and efficiency relate only to need for state regulation of treaty fishing. State is not required to eliminate non-Indian fishing before it can regulate treaty-protected Indian fishing.

State v. Lowe. (109 Wis.2d 633, 327 N.W.2d 166 [Ct.App. 1982]). Proclamation establishing lands adjacent to Round Lake (Polk County) as St. Croix reservation conferred treaty-protected, nonexclusive right to use Round Lake fishery.

State v. Whitebird. (110 Wis.2d 250, 329 N.W.2d 218 [Ct.App. 1982]). Non-discriminatory state laws apply to tribal members outside of reservation. The state can enforce boat registration law against tribe members off-reservation. Purpose of boat registration is public safety.

State v. Baker. (524 F.Supp. 726 [W.D. Wis. 1978]), Aff'd 698 F.2d 1323, *cert.den.* 103 S.Ct. 3537 (1983). Case was a declaratory judgment action testing the validity of a Lac Courte Oreilles Tribal Code regulating non-Indian fishing on navigable waters within reservation boundaries. Court ruled that State had exclusive jurisdiction to regulate fishing by non-members of an Indian tribe on navigable waters within the reservation boundaries.

Summary of Lac Courte Oreilles Band, et al. v. State of Wisconsin Case Decisions

Lac Courte Oreilles Band v. Voigt. (reported sub. nom. *United States v. Ben Ruby*, 464 F.Supp. 1316 [W.D. Wis. 1978]). Suit filed in 1973 by the Lac Courte Oreilles Band of Lake Superior Chippewa Indians and two of its members against the DNR Secretary and others challenging the power of the state to regulate the off-reservation usufructuary activities of Lac Courte Oreilles tribal members, as violative of the guarantees contained in the Treaties of 1837 and 1842 with the U.S. government. The District Court held that all the tribe retained in those treaties was a temporary right of occupancy which was extinguished by the Treaty of 1854 creating various Chippewa reservations in the State of Wisconsin.

Lac Courte Oreilles v. Voigt. (700 F.2d 341 [7th Cir. 1983]). The seventh circuit reversed the holding that the rights reserved by the Treaties of 1837 and 1842 were not abrogated or terminated by the Treaty of 1854 and continue to exist. The 1850 presidential order removing the Chippewa from Wisconsin was invalid. The appellate court remanded the case back to the district court for further proceedings to determine the scope of treaty rights and the extent of permissible state regulation of treaty rights.

Lac Courte Oreilles v. Voigt. (464 U.S. 805 [1983]). The U.S. Supreme Court declines to review the previous seventh circuit decision.

Lac Courte Oreilles v. State of Wisconsin. (653 F.Supp. 1420 [W.D. Wis. 1987]).

- *Nature of the Usufructuary Rights.* These rights today include rights to all the forms of animal life, fish, vegetation, and so on, set forth in the facts section, and use of all of the methods of harvesting employed in treaty times and those developed since.
- *Commercial Activity.* The fruits of the exercise of their usufructuary rights may be traded and sold today to non-Indians, employing modern modes of distribution and sale.
- *Settlement.* The usufructuary rights reserved by the Chippewa in 1837 and 1842 have been terminated as to all portions of the ceded territory which are privately owned as of the times of the contemplated or actual attempted exercise of those rights. However, appropriate arrangements for exercise of those rights on private lands must be made upon a showing by the Chippewa that without such arrangements, they are unable to enjoy a modest living by the exercise of their usufructuary rights within the ceded territory.
- *Allocation.* When, as, and if a need for allocation of resources is required, permanent right to the Chippewa must be recognized as to that portion which will insure them a modest living.
- *State Regulation.* The state enjoys the right to impose restriction upon the Chippewa's exercise of the usufructuary rights, provided the restrictions are reasonable and necessary to conserve a particular resource.

Lac Courte Oreilles v. State of Wisconsin. (668 F.Supp. 1233 [W.D. Wis. 1987]). State may regulate exercise of treaty rights in interests of conservation provided that state regulations are reasonable and necessary to the conservation of a particular species of resource; do not discriminate against Indians; and are the least restrictive alternative available. The court also for the first time ruled that the state may impose regulations which are reasonable and necessary to protect public health and safety. Tribes, however, possess the authority to regulate their members and the effective tribal self-regulation precludes state regulation.

Lac Courte Oreilles v. State of Wisconsin. (707 F.Supp. 1034 [W.D. Wis. 1989]). Tribes are self-regulating in the areas of treaty harvest of walleye and muskellunge in the ceded territory if the tribes adopt regulations incorporating biologically necessary conditions established at trial.

Lac Courte Oreilles Band v. Wisconsin. (740 F.Supp. 1400 [W.D. Wis. 1990]). State may prohibit deer hunting at night and during the summer months due to safety concerns. Tribes are entitled to 50 percent of the harvestable resources in the ceded territory.

Lac Courte Oreilles Band v. Wisconsin. (749 F.Supp. 913 [W.D. Wis. 1990]). Eleventh Amendment sovereign immunity prevents suit by tribes against the state for damages for past interference with treaty rights.

Lac Courte Oreilles Band v. Wisconsin. (758 F.Supp. 1262 [W.D. Wis. 1991]). Tribes do not have a right to harvest commercial timber in the ceded territory. State may regulate tribal harvest of miscellaneous forest products including firewood and maple syrup in the ceded territory.

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Indian Gaming and Economic Development

*Indian Gaming**

Introduction. Individual Indians have engaged in games of chance often as part of, or in connection with, tribal celebrations or ceremonies. Various forms of gaming open to non-Indian participants have taken place on Indian reservations for many years. For decades states have questioned whether these games were lawfully played, and if so, whether state regulations could be applied to these games. Several federal district court decisions were written on the various issues and most were generally favorable to the tribal position. Finally, the U.S. Supreme Court in *California v. Cabazon Band of Mission Indians* (480 U.S. 202 [1987]) shed some light on what law applies on the reservation in regard to Indian gaming.

The Cabazon Decision. Two Mission Indian Bands were operating high stakes bingo and poker parlors on their reservations in California. Both the State of California and the local county sought to impose California and local laws which would have restricted the hours of operation, wager limits, and other methods of operation. The gaming facilities were tribally owned and operated and were a major source of revenue for tribal members. All revenues generated from the operation were used to support tribal governmental programs.

Both the state and county claimed authority over the tribal gaming operations by virtue of a federal law commonly referred to as Public Law 280. Enacted in 1953, Public Law 280 transferred criminal and civil jurisdiction over matters arising on the reservation from the federal government to certain states. Previously, the U.S. Supreme Court in *Bryon v. Itasca County* (426 U.S. 373 [1976]) ruled that the congressional grant of civil jurisdiction to the states did not include the power to regulate activities of the Indian tribe on the reservation.

In the *Cabazon* decision of 1987, the Supreme Court held that the question of the applicability of state and local gambling laws to tribally owned and operated gaming facilities in California was to be decided on whether the state's policy toward gaming was civil and regulatory in nature or criminal and prohibitory. In short, if California prohibited high stakes bingo, card tables, or any of the conduct in this case on a statewide level, then the rules of the state and county would apply. If California allowed the activity statewide and merely regulated the conduct of the activity, then state and local regulations could not apply. In other words, if the state law prohibited certain conduct by anyone, then those prohibitions would apply within Indian reservations. If the state, however, did not prohibit the conduct, but permitted it pursuant to regulations, then the state law would not apply. If there was a public policy toward permitting gaming, then the Indian conduct would not violate that policy.

The court ruling in *Cabazon* briefly states the above test. "The shorthand test is whether the conduct at issue violates the state's public policy." (*California v. Cabazon Band of Mission Indians, supra* at 209.)

As a result, in California the state laws applicable to gaming did not apply on the reservation. California at the time of the case permitted a substantial amount of gaming including bingo, lottery, card rooms, and horse racing. The court concluded that the state's policy toward gaming was permissive in nature—not prohibitory.

The Indian Gaming Regulatory Act. Shortly after the Supreme Court's decision in *Cabazon*, pressures were brought on the U.S. Congress to restrict or prohibit gaming on Indian reservations. What resulted was the Indian Gaming

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* by Howard Bichler, tribal attorney for the St. Croix Chippewa Indians of Wisconsin.

Regulatory Act (25 U.S.C. sec. 2701 et seq.). That act provided comprehensive federal regulation of Indian Gaming and begins with a statement of the following findings:

- Numerous Indian tribes have become engaged in or have licensed gaming activities on Indian lands as a means of generating tribal government revenue.
- Existing federal law does not provide clear standards or regulations for the conduct of gaming on Indian lands.
- A major goal of federal Indian policy is to promote tribal economic development, tribal self-sufficiency, and strong tribal government.

The primary means by which Indian gaming was to be regulated by the Indian Gaming Regulatory Act was through a classification of gaming into three different classes. However a particular game is classified determines the type of regulations and the entity (state, federal, or tribal government) that has primary regulatory responsibility. The three gaming classifications established by the Act are as follows:

- Class I gaming includes social games solely for prizes of minimum value or traditional forms of Indian gaming engaged in by individuals as part of or in connection with tribal ceremonies or celebrations.
- Class II gaming includes bingo and card games that are explicitly authorized by a state but only if the card games are played in conformity with state rules. Class II gaming does not include a banking card game such as blackjack or any electronic or electromechanical facsimiles of any games of chance or slot machines of any kind.
- Class III gaming includes all forms of gaming that are not Class I or Class II gaming.

The classification attached to a game determines the governmental entity responsible for regulating the game. Class I games are regulated exclusively by the Indian tribe. Class II gaming is regulated by the tribes if the tribe adopts a regulation ordinance that is approved by the National Indian Gaming Commission. Class III gaming is regulated by an approved tribal ordinance and is conducted in conformance with a compact between a tribe and the state that is approved by the Secretary of the Interior.

A compact is simply an agreement between two governmental entities. The Class III gaming compact authorizes states and tribes to enter into an agreement covering the following gaming matters.

- The application of criminal and civil laws and regulations of the Indian tribe or the state that are directly related to, and necessary for the licensing and regulation of such activity.
- The allocation of criminal and civil jurisdiction between the state and the Indian tribe necessary for the enforcement of such laws and regulations.
- The assessment by the state of such activities on such amounts as are necessary to defray the costs of regulating such activity.
- Taxation by the Indian tribe of such activity in such amounts comparable to amounts assessed by the state for comparable activities.
- Remedies for breach of contract.
- Standards for operation of such activity and maintenance of the gaming facility including licensing.

In summary, the way a game is classified determines who has the authority to regulate that game and if it may be played at all by a tribe within a particular state.

Indian Gaming in Wisconsin. The State of Wisconsin for many years did not allow any games of chance to be played within the state. In the 1970s the State of Wisconsin amended the Wisconsin Constitution to allow for limited bingo and raffle games. Based on rationale similar to that of the *Cabazon* case, the federal district court ruled in *Oneida Tribe v. State of Wisconsin* that Wisconsin now regulated the activity—bingo and raffles—and that tribes could now conduct those activities free of state regulation.

In the early 1980s Wisconsin amended the state constitution to allow a state lottery and pari-mutuel betting within the state. In 1990 a federal district court ruled in *Lac du Flambeau Band v. State of Wisconsin* that the state public policy was now one of authorizing casino games. The court indicated that a lottery, as authorized by the state constitution, included any game of chance where consideration (a fee) was paid and a prize was awarded. For all practical purposes, that broad definition of the term *lottery* included most, if not all, casino games. Those games are generally considered Class III games under the Indian Gaming Regulatory Act.

Since the 1990 decision all tribes in Wisconsin have conducted Class III gaming within their reservations. As required by the Indian Gaming Regulatory Act, the tribes and state have reached agreements or compacts regarding the rules and regulations by which these games are played. Although not all compacts are identical they do contain the following common elements:

- The compacts are for a seven-year duration.
- Class III games which may be conducted pursuant to these compacts are video games, slots, and blackjack.
- Extensive technical rules for each Class III game are included in the compact.
- State criminal jurisdiction over the conduct of these games is included in compacts for all but one tribe in the state. Special jurisdiction language is contained in the compact between the Menominee tribe and the state of Wisconsin.
- Background investigations for all gaming employees are required.
- Annual audits of gaming operations by independent outside auditing firms is required.
- Vendors doing business with the tribe with relation to gaming matters are subject to state certification requirements.

The thrust of both the Indian Gaming Regulatory Act and the various compacts is to ensure that any games conducted on Indian reservations are conducted in an open, honest, and fair manner. Indian gaming operations in Wisconsin provide tribal government with an important source of revenue, sometimes their only source of revenue. A final note on the Indian Gaming Regulatory Act should be made with regard to tribal revenues. The act requires that game revenues may only be utilized for the following purposes:

- to fund tribal government operations,
- to provide for the general welfare of the tribal members,
- to promote economic development, and
- to donate to charitable organizations, or to help fund local government agencies.

Any other uses of Indian gaming revenues would be inconsistent with the Indian Gaming Regulatory Act. The Indian Gaming Regulatory Act requires strict compliance with all components of that law. In the event of non-compliance, tribal gaming could be subject to action resulting in the termination of gaming activity on a particular reservation.

General References.

California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987).

Indian Gaming Regulatory Act, 25 U.S.C. sec. 2701 et seq.

Lac du Flambeau Band of Lake Superior Chippewa Indians v. State of Wisconsin, 743 F.Supp. 645 (W.D. Wis. 1990).

Lac du Flambeau Band of Lake Superior Chippewa Indians v. State of Wisconsin, 770 F.Supp. 480 (W.D. Wis. 1991).

Oneida Tribe of Wisconsin v. State of Wisconsin, 518 F.Supp. 712 (W.D. Wis. 1981).

*Potawatomi Economic Development**

Crandon, Wis.—Eleven months after the high-stakes Potawatomi Bingo hall opened its doors in Milwaukee's Menomonee Valley, Herman Alloway moved from squatter's quarters in a church storeroom into his own home. Built by bingo.

Alloway, 63, is one of nine older members of the Potawatomi tribe to be given new houses financed by gambling profits. He epitomizes the changes that bingo has brought to the Potawatomi community, historically the smallest and poorest of Wisconsin's 11 tribes.

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* Jo Sandin, "Potawatomi Tribe Reaps Benefits of Gambling: Bingo has built homes but made some uneasy," *Milwaukee Journal*, 22 June 1992, pp. 1, 6. Reprinted with permission.

Suddenly, in tree-rich, cash-poor Forest County—long distinguished by the state's lowest per-capita income—green is also the color of money.

"Our elderly were our first priority," said tribal Chairman James Crawford of the trim new houses spotted throughout the 11,000-acre reservation. "They've been living in trailers all their lives."

Crawford hopes the nine houses will be the first wave of a tide of construction that eventually will sweep all the aging trailers off the reservation. Ground will be broken for additional homes this summer, he said.

As bingo has brought homes to the elderly, the homes have brought jobs to others. According to tribal Vice Chairman Al Milham, two carpenters on the housing project already have found year-round jobs with the contractor, who was required to employ members of the tribe.

"Eventually we want to use the money to expand into other enterprises," said Crawford, who wants the tribe to train its own lawyers, doctors and business administrators.

Crawford hopes that by the time the Potawatomis' seven-year contract with Omni Bingo of Wisconsin expires, the tribe can dispense with the firm's services.

Omni is headed by Fox Point real estate developer John J. Burke, Jr. Lacking capital of their own, the Potawatomis turned to Burke to build the giant high-stakes bingo hall, which opened March 7, 1991, at 1721 W. Canal Street. After a $24 million year, in which one million customers packed the bingo tables, Omni opened Potawatomi Bingo and Northern Lights Casino here on Highway 32 two miles south of Wabeno. Along with bingo, the new casino offers blackjack, slot machines and video poker.

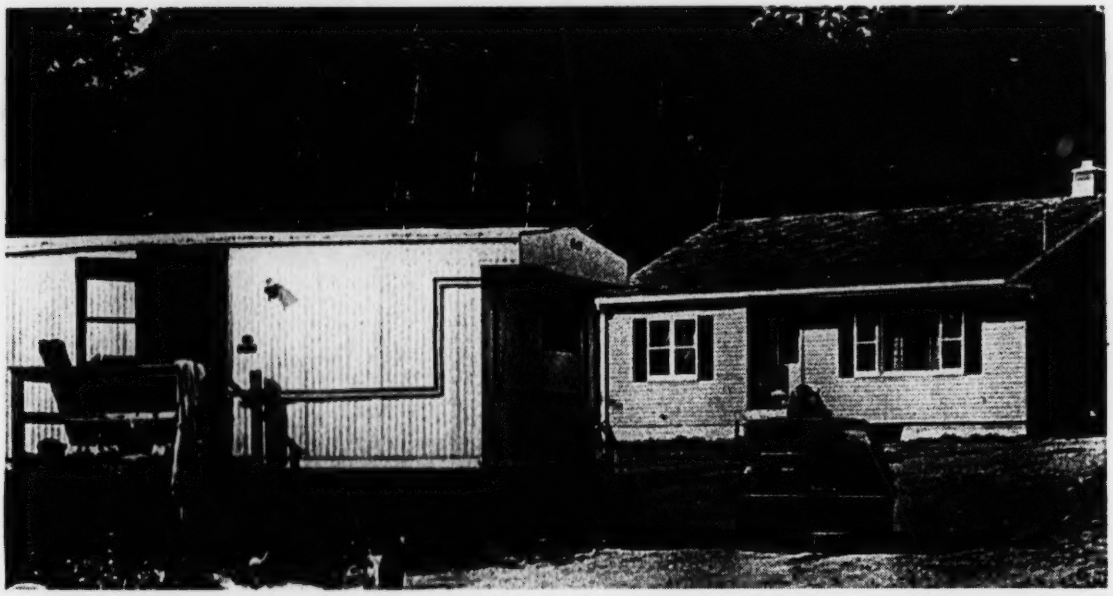
After development and operating expenses, Omni gets 40 percent of the profits. The 60 percent remaining is split by the tribe and the Indian Community School in Milwaukee, each of which was guaranteed at least $240,000 a year under terms of the Omni contract.

Although Burke has said that both the tribe and school already have received much more than the guaranteed minimum, neither he nor Crawford would name exact figures.

Instead, with a wide grin, the tribal chairman said, "Let's say that we're pleased, very pleased."

POTAWATOMI BINGO

Tribal bingo halls and casinos in Wisconsin attract tourists from throughout the Midwest. Photograph by Jason Tetzloff.



Financed with profits from the Potawatomi Bingo Hall in Milwaukee, new homes are replacing trailers and older houses at the Forest County Potawatomi Community at Crandon. Photograph by Peter J. Taylor. Milwaukee Journal, *22 June 1992, p. 4. Reprinted with permission.*

Some Concerns Expressed. Not all tribal members are quite as enthusiastic. Lucille Brown, 56, now back on the reservation after an absence of 25 years "because there wasn't any work," has her doubts.

"Surely there must be something else that can be done to put people to work to give them a decent living and a feeling of pride and self-respect," she said.

Religious beliefs prevent Brown from working for the casino. However, she added, "The money has been used for a lot of good purposes."

Bonuses of $1,000 were distributed to 450 tribal members 18 or older last December. Brown called that "a blessing," and used hers to pay bills and loans for tuition at Oak Hills Bible College, in Bemidji, Minnesota, where she is studying to be a counselor.

Nonetheless, she pointed out that some recipients of Aid to Families with Dependent Children or Indian relief lost benefits because they didn't understand they had to report the bonus.

"Money, to me, is not the whole question," she said. "There are some people who can't see beyond that dollar bill to what's on the other side."

Another tribal member with qualms is Alloway, who expressed concern that increased drug and alcohol abuse might follow the casino into Forest County.

"I'm not a gambler, and I worry about other people wasting their money," he said. "But it has helped a lot of people find jobs. Before, nobody had a job. There were a lot of teenagers with too much time on their hands. Now, they're all busy."

No one younger than 18 may enter or work at the casino, but Northern Lights has brightened the educational as well as the employment prospects of a lot of young people, not all of them Potawatomi.

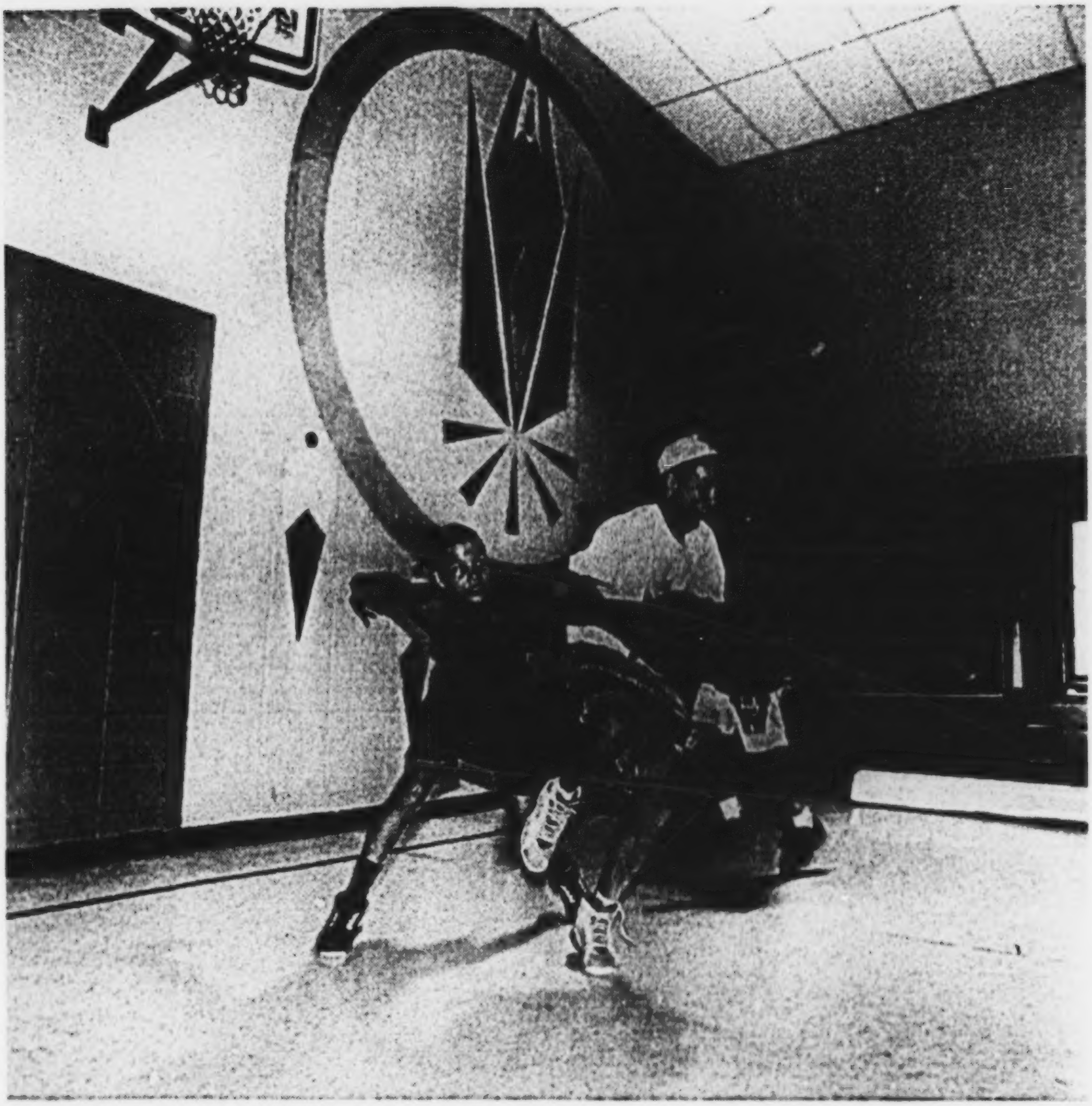
The head of security at the Potawatomi Bingo and Northern Lights Casino near Wabeno chats with customers at the slot machines. Photograph by Peter J. Taylor. Milwaukee Journal, *22 June 1992, p. 4. Reprinted with permission.*

New Casino, New Opportunities. Lee Lukas, 19, a 1991 graduate of Laona High School, is earning more than he did last summer on a $6-an-hour construction job. He's saving up fall tuition at Nicolet Technical College in Rhinelander. The tribal chairman's twin nieces, Jane and Jamie Crawford, 18, spring graduates of Wabeno High School, are earning money toward expenses at the University of Wisconsin-Marathon County Center in Wausau, where they will study business and accounting in the fall.

At least 45 percent of casino employees are American Indians, according to Lori Stage, 29, staff manager for Northern Lights.

She is among the Potawatomis attracted back to the reservation by new opportunities. After graduating from Wabeno High School in 1981, she studied business and marketing in Green Bay.

Although she wanted to raise her three daughters with an understanding of their own culture, she said, "with my education, I didn't want to come back here to work as a waitress."



Indian youth can play basketball at the Tribal Center gym in Crandon, thanks in part to money the tribe earns from its gambling halls. Photograph by Peter J. Taylor. Milwaukee Journal, *22 June 1992, p. 4. Reprinted with permission.*

Recognizing the Unrecognized

The Law

Title 25—Indians*

CHAPTER 1—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 54—PROCEDURES FOR ESTABLISHING THAT AN AMERICAN INDIAN GROUP EXISTS AS AN INDIAN TRIBE

Final Rule

AUGUST 24, 1978.

AGENCY: Bureau of Indian Affairs, Interior Department.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs publishes final regulations which provide procedures for acknowledging that certain American Indian tribes exist. Various Indian groups throughout the United States have requested that the Secretary of the Interior officially acknowledge them as Indian tribes. Previously, the limited number of such requests permitted an acknowledgment of the group's status on a case-by-case basis at the discretion of the Secretary. The recent increase in the number of such requests before the Department necessitates the development of procedures to enable the Department to take a uniform approach in their evaluation.

EFFECTIVE DATE: October 2, 1978 . . . .

Purpose. The purpose of this part is to establish a departmental procedure and policy for acknowledging that certain American Indian tribes exist. Such acknowledgment of tribal existence by the Department [of the Interior] is a prerequisite to the protection, services, and benefits from the Federal Government available to Indian tribes. Such acknowledgment shall also mean that the tribe is entitled to the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their status as Indian tribes as well as the responsibilities and obligations of such tribes. Acknowledgment shall subject the Indian tribe to the same authority of Congress and the United States to which other federally acknowledged tribes are subjected.

Scope. (a) This part is intended to cover only those American Indian groups indigenous to the continental United States which are ethnically and culturally identifiable, but which are not currently acknowledged as Indian tribes by the Department. It is intended to apply to groups which can establish a substantially continuous tribal existence and which have functioned as autonomous entities throughout history until the present . . . .

Form and content of the petition. The petition may be in any readable form which clearly indicates that it is a petition requesting the Secretary [of the Interior] to acknowledge tribal existence. All the criteria in paragraphs (a)-(g) of this section are mandatory in order for tribal existence to be acknowledged and must be included in the petition.

(a) A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian," or "aboriginal." A petitioner shall not fail to satisfy any criteria herein merely because of fluctuations of tribal activity during various years. Evidence to be relied upon in determining the group's substantially continuous Indian identity shall include one or more of the following:

(1) Repeated identification by Federal authorities;

(2) Longstanding relationships with State governments based on identification of the group as Indian;

(3) Repeated dealings with a county, parish, or other local government in a relationship based on the group's Indian identity;

(4) Identification as an Indian entity by records in courthouses, churches, or schools;

(5) Identification as an Indian entity by anthropologists, historians, or other scholars;

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* *Federal Register*, Vol. 43, pp. 39362-64 (5 Sep. 1978); codified in 25 C.F.R. 54.

(6) Repeated identification as an Indian entity in newspapers and books;

(7) Repeated identification and dealings as an Indian entity with recognized Indian tribes or national Indian organizations.

(b) Evidence that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations in the area, and that its members are descendants of an Indian tribe which historically inhabited a specific area.

(c) A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

(d) A copy of the group's present governing document, or in the absence of a written document, a statement describing in full the membership criteria and the procedures through which the group currently governs its affairs and its members.

(e) A list of all known current members of the group and a copy of each available former list of members based on the tribe's own defined criteria. The membership must consist of individuals who have established, using evidence acceptable to the Secretary, descendancy from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity . . . .

(f) The membership of the petitioning group is composed principally of persons who are not members of any other North American Indian tribe.

(g) The petitioner is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship . . . .

Implementation of decisions. (a) Upon final determination that the petitioner is an Indian tribe, the tribe shall be eligible for services and benefits from the Federal Government available to other federally recognized tribes and entitled to the privileges and immunities available to other federally recognized tribes by virtue of their status as Indian tribes with a government-to-government relationship to the United States as well as having the responsibilities and obligations of such tribes. Acknowledgment shall subject such Indian tribes to the same authority of Congress and the United States to which other federally acknowledged tribes are subject . . . .

*The Brothertown Indian Nation of Wisconsin: A Brief History**

The Brothertown Indian Nation is a culturally distinct, politically independent Indian tribe residing in the state of Wisconsin. Brothertown Indians are descendants of the Pequot and Mohegan (Algonquin-speaking) tribes that originally inhabited New England.

The Brothertown tribe became a separate entity when Samson Occum, a Mohegan, urged seven English-speaking and Christian Indian communities (Mohegan, Mashantucket, Stonington, and Farmington in Connecticut; Charleston and Niantic in Rhode Island; and Montawk on Long Island) to join together and move west. They moved to upstate New York, to lands granted to them by the Oneida Indian Tribe in 1774.

Almost immediately, white settlers and the state of New York pressured them to sell or cede their lands. By the early 1800s the tribe again prepared to move west, this time to Wisconsin. However, before the tribe could settle on land purchased on the Fox River, the United States negotiated a treaty with the Menominee tribe exchanging this land for lands near Lake Winnebago (now Brothertown township, Calumet County).

Today, there are approximately 1,650 Brothertown members. They are concentrated in the general vicinity of Fond du Lac and the surrounding Fox Valley. Although they have no reservation, the Brothertown Indians govern themselves through a nine-member elected council which acts in accordance with a written constitution. The council meets on the third Saturday of each month.

Despite the loss of their land, the tribe has kept Brothertown customs and traditions alive. Today, the tribe is optimistic that federal recognition will invigorate the tribal government and enable it to better provide for the needs of its members.

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This brief history was submitted by the Tribal Council to the Department of Public Instruction for educational purposes. This document has been published to extend and increase general knowledge of the Brothertown Indian Nation.

The Brothertown Indian Nation, now principally located in Wisconsin, traces its ancestral roots to tribes which lived in eastern Connecticut and western Rhode Island. Although the present-day membership can trace their ancestry back to a number of tribes, the majority of members are descendants of the Mohegan-Pequots, an Algonquian-speaking people who lived in the Thames River Valley, and who shared with their neighbors many linguistic and cultural features.

The first known contact with the ancestors of the Brothertown tribe occurred in 1614 when Adriaen Block, a Dutch sea captain, explored the coastline of southern New England. Within a year the Dutch had established trading arrangements in the area, first for furs, and later more importantly, for wampum. Wampum is a bead made from marine shells; white wampum is most commonly made from the central column of whelk (Buccinum undatum), while purple or black wampum is made from the hard shell clam (Mercenaria mercenaria). These beads became the focus of the Dutch trade. The wampum was from the southern New England tribes and then traded for furs with the Iroquois tribes of central New York State.

The Pequots and the Narragansetts benefited most from the wampum trade since they controlled the area where the raw materials could be found in abundance. It did not take long for the two colonial rivals, the Netherlands and England, to compete for control of the wampum-producing region. The rivalry led to wars both with the Indian tribes and among the tribes. By the 1630s there were repeated incidents between the traders and the Indians, particularly involving the English. Generally the Pequots were blamed for these. These incidents culminated in the Pequot War of 1637, which resulted in the near destruction of the Pequot tribe and the enslavement of many of its survivors. John Underhill, a participant in the massacre of the Pequot's main village, provided the following graphic description:

> Many were burnt in the fort, both women, and children. Others forced out and came in troops to the Indians [allied with the English], twenty or thirty at a time, which our soldiers received and entertained with the point of a sword. Down fell men, women, and children, those who escaped us, fell into the hands of the Indians that were in the rear of us. It is reported by themselves that they were about four hundred souls in the fort, and not above five of them escaped out of our hands.

According to Underhill, the Narragansett allies of the English protested the wanton slaughter, saying, "It is naught because it is too furious, and slaies too many men."

Following the war, the English seized most of the Pequot land. They made alliances with three tribes: Mohegans, who were under the leadership of Uncus, the Narragansetts, and the Massachusetts. By 1688, they defeated the latter two tribes and had taken much of their territories.

Over the course of the next century, the English colonists continued their efforts to strip away the remaining land of the New England tribes so that by 1770 the tribes were in desperate shape. It was clear that neither the colonial government nor the crown was willing or able to protect tribal land. Tribal members realized that their lands were in certain jeopardy from the avarice of the English neighbors. Nor could the tribes' members protect themselves from their own leaders. Two of the tribes—the Mohegan and Narragansett—had continued to operate through hereditary sachems; the Pequots had divided into two tribes, each with a leader who claimed hereditary rights. These leaders sold much of the remaining tribal land for their own gain. Colonial leaders encouraged and used these divisions to control the tribes and force the sale or lease of the land.

Besides their problems with leadership and land, the tribes were beset by virtually insurmountable social and economic problems. The colonial wars had seriously depopulated the tribes, leaving many families without adult males. The increased settlement by whites made game scarce and hunger common. Few Indian families made a successful transition to agriculture, except those who became laborers on white farms. Added to all this was a rise in alcoholism and other social pathologies. By the eve of the

American Revolution conditions were desperate for the southern New England and eastern Long Island tribes. It was at this juncture that Samson Occum, a Mohegan, urged the tribes to band together and move west to an area where they would be under less pressure from whites.

Occum was born in 1723 in Mohegan, Connecticut, where he remained with his parents until he was sixteen years old, when he converted to Christianity. He was one of many Indians in the community converted by the religious movement then sweeping New England, know as the "Great Awakening." One of the principal leaders of this revival was Eleazar Wheelock, who in the 1740s opened a religious school at Lebanon, Connecticut. Wheelock is perhaps better known as the founder of Dartmouth College. In 1743 Occum enrolled in the school and after completing the course work, he began teaching and preaching among the Indian communities in eastern Long Island. In 1761, he left Long Island to preach among the Oneidas in New York. Three years later he returned to his people and soon became involved in the problems of the tribe. He joined the faction opposed to the sachem Ben Uncas, and for his reward he was threatened with the loss of his teaching income and his license to preach. He left for a successful three-year tour in England, but on his return, he was soon reenmeshed in tribal affairs. He soon felt an intense sense of betrayal on the part of the colonists and a sense of hopelessness for his people. It was this combination of experiences that led him to advocate that the seven Indian communities—Mohegan, Mashantucket, Stonington, and Farmington in Connecticut; Charleston and Niantic in Rhode Island; and Montawk on Long Island—join together and move west to land owned by the Oneidas.

It took Occum the better part of five years to convince his flock of the wisdom of his plan and to negotiate with the crown and the Oneidas for a cession of land, but in October, 1774, the Oneidas granted the Brothertown Indian tribe a cession of land in what is now upstate New York. The following spring the first group of Brothertown tribal members arrived in the new homeland and began the arduous task of clearing the land, planting the fields and building their houses. However, before the rest could join them, the Revolutionary War began, and the Brothertowners were quickly involved in it on the side of the colonials. So intense were the hostilities over the next six years in that part of New York that the Oneidas, Tuscaroras, and the Brothertowners were forced to flee the area, along with most of the white settlers. They were not able to return to their land until well after the signing of the Treaty of Paris in 1783. This time they were accompanied by the Stockbridge tribe of Massachusetts.

Occum continued as the tribal leader of the Brothertown tribe until his death in 1792, although during the last few years of his life he was challenged by a number of younger leaders. He and the tribe were also under intense pressures from non-Indians in the area to sell or lease land, and this contributed to divisions within the tribe. Occum's dream of an Indian community insulated from white greed was destroyed even before he had begun.

From 1785 through the 1820s, the Brothertown tribe was under incessant pressure to sell its land and move west. At first the pressure came from individual speculators, and the tribe received some protection from the state. During the 1790s and the first decade of the nineteenth century the state passed laws appointing Indian commissioners to assist the tribe and prohibiting land sales to whites. But the state also passed laws which stripped away some 14,000 acres of the tribe's 23,000-acre reservation! The Brothertowners found themselves in the same situation that they had been in just a few decades before.

The unremitting pressures from whites on Brothertown land, the religious disputes that wracked the community, the frustrations in dealing with the state whose singular interest was their removal, and their inability to protect themselves and their land, all had a compounding effect on the tribe. The result was that, beginning in the early 1800s, leaders of the tribe were out looking for another place to move. At first there seemed to be the possibility of the tribe moving to the Ohio Valley, on land held by the Delaware. In fact, a part of the Stockbridge tribe attempted such a move, but the War of 1812 interrupted the plans, and after the war, the Delawares sold the land to the United States while the Stockbridges were enroute.

Although frustrated in this attempt, the Brothertown tribe was still anxious to find a home free of white pressure. In 1816 an Episcopal missionary named Eleazar Williams began preaching among the Oneidas. He had a dream to establish an Indian empire in the west, and to take all New York Indians there. He received enthusiastic support from New York. Soon his plans included the Brothertown and Stockbridge tribes. By 1823, he and a delegation of Oneidas had secured joint occupation of some 4,000,000 acres of land from the Menominees and Winnebagos [now known as the Ho-Chunks] in Wisconsin. The Brothertowners joined in the plans to move west, and eventually purchased 23,040 acres along the Fox River. However, before they could move to the new lands, the U.S. government negotiated an exchange for an equal amount of land along Lake Winnebago. Beginning in 1831, groups of Brothertown Indians began the long migration to their new home. Although the majority of the tribe had arrived by 1837, there were still members joining as late as 1841.

The tribe was hardly settled in this new location, having been pressured out of New York and pushed off its land at Kaukauna, when a new threat appeared. The federal government entered into negotiations with the tribes in New York and Wisconsin to exchange their lands for land in the Indian Territory of Kansas. On January 15, 1838, the United States concluded the Treaty of Buffalo Creek.

Once again the Brothertown tribe was in danger of being uprooted and forced to move. Once again, it was apparent that the cause of the problem was the manner in which the tribe held its land. By a perversity of law, as long as the land was held in common and inalienable, it was subject to loss by government action. The remedy, some thought, was to protect it in the same manner as the property of non-Indians was protected; through private ownership. But to do this required that the land be divided in severalty, and that in turn, required a different form of governance.

On March 3, 1839, the U.S. Congress passed legislation dividing the Brothertown tribal lands in severalty and making the tribal members citizens. But in granting the Brothertown Indians citizenship the Congress faced a dilemma: could the Brothertown Indians be citizens and still retain tribal status? It should be borne in mind, in this context, that the U.S. Supreme Court had established an artificial, if useful, distinction between tribes and states in the Cherokee cases. Thus, when Congress granted tribal members citizenship and established their reservation as a town, subject to territorial laws, the Congress found it necessary to remove from the tribe the power to make laws to govern the same land. The specific language in the act read as follows: " . . . and their rights as a tribe or nation, and their power of making or executing their own laws, usuages, or customs, as such tribe, shall cease and determine . . . . "

What this language proposed to do was to assure that in the governance of the town, territorial and later state law would be in force, and this was necessary in order to protect the land from illegal takings. Had this occurred fifty years later (under the Dawes Act, for example), the clause quoted would have been unnecessary. In other respects, the power of the tribe to act was not diminished by the statute. The final line [of the 1839] act made it clear that the tribe could continue other tribal activities such as the collection of annuities due it:

> Provided, however, that nothing in this act shall be so construed as to deprive them of the right to any annuity now due them from the state of New York or the United States, but they shall be entitled to receive any such annuity in the same manner as though this act had not been passed.

Land patents were issued to tribal members in 1845, pursuant to the 1839 act, and tribal leaders continued to govern the tribe in much the same manner as they had before the act. For the next few years the Brothertowners continued their control over the town, but by the Civil War, this had changed. Non-Indians began buying up the lands as economic hardship, foreclosures, and tax sales took their toll. By the 1870s much of the land was lost to non-Indians, and many tribal members were living on other tribes' reservations, working as tenants on other peoples' farms, or living in one of the cities in and around Lake Winnebago. Yet throughout the period, the tribe continued to act on behalf of its members. It petitioned the Congress for permission to clear the title to some remaining lands on the former reservation and joined in a lawsuit against the United States over the land it and other New York tribes had a claim to in Kansas. This case was eventually won and the tribes involved (including the Brothertown) received a per capita payment. Thus, throughout the nineteenth century, despite the loss of their land, the tribe continued its activities in the interest of its members.

Congress appears to have recognized the continued existence of the tribe on at least one occasion. In 1878, it passed legislation providing for the sale of some unallotted Brothertown land. It authorized five trustees "members of the Brothertown tribe" to take "in trust for the Brothertown Indians" the land patents in question. But the trustees could not dispose of the land without tribal permission.

> Provided, however, that said lands, or any part thereof, shall be sold by the said trustees whenever a majority of the said Brothertown Tribe shall petition for the same . . . . And the said trustees shall distribute and pay over the proceeds arising from such sale or sales to the Brothertown Indians, according to the formers usuages, customs, and regulations of said tribe.

It is clear that Congress recognized the continued existence of the Brothertown tribe, that it acknowledged its leadership and accepted as valid the tribe's rules and regulations. It is also clear that the tribe was functioning, since the law required a majority of its members to approve any sale.

With the passage of the Dawes Act in 1887 the living conditions of the Brothertown tribal members took a sharp turn for the worse. While not directly affected by the provisions of the act, tribal members felt its impact. By 1880 many Brothertowners were living with Oneidas and Stockbridgers. By 1910 both of these tribes had lost most of their land, and their members were added to the sizable number of homeless Indians. The act caused social chaos, which profoundly affected the Brothertown Indians. During the 1920s the Brothertown tribal members joined with other New York Indians to pursue a land claim in New York. This claim was eventually dismissed, but not before hundreds of Brothertowners had been defrauded out of their savings and property. By the time the claim efforts ended, the Great Depression had begun, and more tribal members ended up landless. By 1940, the Brothertown Indians found themselves buried in poverty and scattered around the state of Wisconsin, an impoverished underclass, a condition they shared with tribes like the Oneida and Stockbridge. In the latter cases, however, the federal government made some effort to remediate the conditions by buying back some of the land the tribes had lost. No such effort was made on behalf of the Brothertown. Nonetheless, throughout the first four decades of the twentieth century the Brothertown continued to meet at family reunions and homecomings, keeping alive their traditions.

Much of this came to a halt with the advent of World War II. Many Brothertowners entered military service or moved to the cities to work in the defense plants. Following the war, many remained in the cities or moved to new locations as the defense industries shifted to peacetime production. A few returned to the Fond du Lac-Brothertown area, but the lack of jobs inhibited this. Despite their scattering, tribal members maintained contact with each other throughout the postwar period.

It took another claims case to bring tribalism back into focus for the Brothertowners. On August 17, 1950, lawyers representing the so-called Emigrant New York Indians filed an action against the United States with the Indian Claims Commission. This action alleged that lands in Wisconsin belonging to the petitioners were taken without compensation. After a lengthy series of hearings and appeals the Emigrant New York Indians were given a cash award. The tribes were given until July 1, 1968 to bring their membership lists up to date . . . .

At the same time there developed a renewed interest among the tribal members in the history of the tribe and in reestablishing the tribe's relationship with the federal government. When the Department of the Interior established regulations in 1978 for the acknowledgment of the tribes, the tribe began research to satisfy the criteria. Unfortunately, Criterion (G) precluded its submission. That criterion reads, "The petitioner is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship." The 1839 act presents a clear barrier to acknowledgment.

For 150 years the Brothertown Nation has maintained itself in spite of overwhelming economic, social, and political pressures. It has been forced to move repeatedly in order to preserve its way of life. It has received guarantees from the United States, only to find the same government, acting to strip it of its land. In its final effort to preserve its land base it accepted land

June Ezold, Tribal Chairperson of the Brothertown Indian Nation. Photograph courtesy of June Ezold.

in severalty and citizenship, but instead of keeping the tribe together, the act hastened its land loss. Despite the interference and failure of the federal government to protect the tribe, the Brothertown Nation has survived.

June Ezold, as quoted in the *Shenandoah Newsletter*, describes the Brothertown tribe's history as follows:

> Our victory comes with the fact the Brotherto[w]n remain proud of their past. We've documented a chapter in American history that would not have been documented without this effort. And most important, we've made people realize the Brotherto[w]n are not extinct. We are here, we remember, and we plan to continue, whether or not the government chooses to acknowledge us.*

*The Wisconsin Prairie (Skunk Hill) Potawatomis***

In 1913, Congress purchased more than 14,000 acres of discontinuous parcels of land in Forest County to establish a reservation for the Potawatomis who continued to live in Wisconsin by picking berries, digging ginseng and roots, and working in lumber camps near Carter, Star Lake, Phlox, Minocqua, and Wausaukee. At this time, there were a number or Potawatomis living elsewhere in the state who did not benefit from the establishment of the Forest County Reservation. Indeed, throughout the late nineteenth and early twentieth centuries, federal Indian agents reported the presence of "strolling Potawatomis" in the north woods of Wisconsin.

The Potawatomis who lived in Wood County near Skunk Hill were members of the Prairie Band that had emigrated to Kansas under federal pressure between the 1830s and 1850s, or their descendants. Although enrolled in Kansas, they preferred to return to, and live in Wisconsin. By 1875, some 200 Potawatomis enrolled in Kansas were "voluntarily absent in Wisconsin" (see fundamental 14) where they eventually took up homesteads or moved into the cutover lands occupying settlements principally located southwest of the Forest County Potawatomis in Wood County. As intensive logging of forest lands reduced available game in the region, the Indians lived under severe economic hardships as they competed with loggers and settlers.

Lawson V. Publius, a writer for *Wisconsin Archaeologist* magazine, wrote the following in 1920:

"... There are about 150 members in the band, and they are under the care of the United States Indian Superintendent with main office at Laona and subagent at Grand Rapids, Wood county. This Wood county band is principally located near Skunk Hill, near the town of Arpin, in Wood county.

"The health of the band is very good, the superintendent writes the author. It is believed these Indians are increasing in numbers. Some intermarry with the Winnebago, and when the mother is Winnebago the children are enrolled

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* June Ezold, *Shenandoah Newsletter* 19 (July 1992), (unpaginated).

** by Ronald N. Satz.

Skunk Hill Potawatomis. Courtesy of the State Historical Society of Wisconsin. WHi (x3) 47320.

with the Winnebago. The Grand Rapids agency estimates the number of the band as about 65. The head men and chiefs are White Pigeon or Wahb-me-me, a Winnebago and Potawatomi, and married to Mrs. Decorah, a white and Winnebago, descended from Glory of the Morning, the Winnebago chieftainess mother who married the French officer De Carrie in 1724 at the ancient Winnebago village on Doty Island, Menasha. Wabshaw Eugene also married a Winnebago woman. Another chief is Shougnuk Kosuch or Frances.

"Some of the young people farm and do manual labor. The older people have gardens. The Potawatomi receive very little government aid. They have rentals from their lands in Kansas, and what they can earn or raise. They hold small tracts of restricted lands on public domain in Wood county under trust patents and restricted deeds.

"Most of the children of school age are enrolled at Lac du Flambeau and Tomah in the Indian schools. The Seventh Day Adventists are doing religious work among them. Most of the band speak American, but the Winnebago tongue is as prevalent as Potawatomi. Except for a short time in Kansas, when allotted their lands, some of them have lived about Skunk Hill for the past 52 years, since 1866. The people of the Skunk Hill band are descendants of the prairie bands that lived in the vicinity of Chicago at the period of the treaty of 1833 and were driven into Iowa, and then removed to Kansas as detailed. White Pigeon of this band writes the author Jan. 15, 1919:

> This particular Band are called the Prairie Band Potawatomi. There is about 70 Prairie Band Potawatomi living here at Arpin and we have been here about 13 years now since coming back from Kansas. Our leaders were Mr. Shon, and John Nuwee. Mr. Shon has been dead now about four years. Nearly all that are here have bought tracts of land and are engaged in farming on a small scale and not many talks English. We have no school here, save a district school where we tried to send our children but the teacher failed to take any interest in our Indian children and made no effort to teach them. Every Indian—children and adults has land allotments in Jackson County Reservation, Kansas, and are renting them and there is no tax on those property, but we are paying tax on what we own here. We have no more chief since about 56 years ago, since "Chief Wahb-see" died. Our spokesmen are Mr. John Nu-wee Wehb-sha-gan, and White Pigeon." (Lawson 107-109)

In general, the people who constituted the Skunk Hill Band constituted, like the Winnebagos who returned to Wisconsin, a refugee group from their removed and reservated kinfolk in the West struggling to maintain as much of their traditional lifestyle as possible in Wisconsin.

Today Prairie Potawatomis continue to live in Wisconsin, concentrated in and near Wood County. Although these Skunk Hill Band members have lived in Wisconsin for several generations, they still continue to be enrolled at the Potawatomi reservation in Kansas. In other words, they are members of the federally recognized Prairie Potawatomi Band of Kansas whose tribal status, according to the federal government, is based on their ties to that band but who have themselves chosen to live in Wisconsin.

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The Numbers Game

*Wisconsin Indians and Census Reports**

Population data on Indians must be used with great caution. Federal census takers in the nineteenth century did not count reservation Indians or "roving" Indians who lacked reservations in the state, only acculturated or so-called "civilized" Indians not residing on reservations were enumerated and taxed. Even when "civilized" Indians were enumerated by census takers, the results must be used with care.

The census takers of 1850 classified the mixed-blood Indians of Calumet County, for example, as "colored" but the census takers of 1860 did not. According to the official 1860 Census, there were 1,107 "civilized" Indians in Wisconsin, of which 404 were labeled "half breeds" (considered a pejorative term today). Statistics reported by Indian agents and other reservation officials indicated that there were 2,833 reservation Indians in Wisconsin in 1860. These figures, however, give a very incomplete picture of the Indian presence in the state. In fact, there were at least 10,000 Indians in Wisconsin by 1860 when the Euro-American (white) population reached three-quarters of a million. In addition to the 1,100 so-called "civilized" Indians, who lived mostly in Calumet (716) and Chippewa (129) Counties, the Chippewas, Menominees, Oneidas, and Stockbridges accounted for a total of at least 8,000 reservation Indians scattered over the northern part of the state, and there were approximately another 1,000 "roving" Potawatomis and Winnebagos (now known as Ho-Chunks) in several western and northern counties.

During the decades following the Civil War, the movement of Euro-American population northward brought census takers to the north woods, and these officials discovered many formerly uncounted Indians. Only 11 Indians had been counted in Burnett County in 1870 but in 1880 there were 266. Generally, non-reservation Indians avoided Indian agents and census takers. On the other hand, acculturated mixed-bloods avoided self-reporting themselves as Indians given prevailing non-Indian attitudes.

Inconsistencies in recording and reporting Indian population have surfaced in recent years as well. In 1980, for example, the U.S. Bureau of the Census counted 2,377 Indians on the Menominee Reservation. At the same time, however, the U.S. Bureau of Indian Affairs listed its service population on the Menominee Reservation as 3,384, while the Menominee Tribe itself claimed it had 6,182 on the tribal roll. Although some enrolled Menominees lived off the reservation, Menominee leaders maintained that a serious undercount of their resident population had taken place, and they requested a special census.

One reason for different population numbers for Indian tribes by different counters is that organizations frequently do not use the same definition of who is an Indian. The Bureau of Census, for example, allows self-identification, but the Bureau of Indian Affairs promoted the formula of 1/4 blood quantum—that is, an Indian with a full-blood (4/4 blood quantum) Indian grandparent of the same tribe and three non-Indian grandparents is considered one-fourth Indian; one of his or her parents is considered a half-blood. On the other hand, Indian tribes may have their own definition. The Menominees, for example, require proof of descent from a previously enrolled Menominee.

For all of the above reasons—mobility, different census definitions, miscegenation between Indians and non-Indians, and undercounts for whatever reason—census figures on Indians have not been very reliable.

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* by Ronald N. Satz.

*Wisconsin Population by Counties in 1880, 1890, and 1900**

COUNTIES	WHITE			NEGRO			INDIANS	
	1900	1890	1880	1900	1890	1880	1900	1890
Adams	9,080	6,823	6,714	8	6	1	53	60
Ashland	19,270	20,017	1,380	14	14	1	887	18
Barron	23,650	15,364	6,948	1	11	.....	25	40
Bayfield	13,887	7,081	309	5	4	3	494	304
Brown	45,597	38,281	33,897	50	148	116	703	732
Buffalo	16,764	15,997	15,519	1	.....	.....	.....	.....
Burnett	7,319	4,312	2,874	8	.....	.....	151	81
Calumet	16,788	16,305	15,900	33	169	319	257	165
Chippewa	32,924	24,969	15,295	5	34	4	102	134
Clark	25,796	17,705	10,700	1	3	5	51	.....
Columbia	31,090	28,335	28,028	17	15	25	9	.....
Crawford	17,281	15,952	15,597	5	17	47	.....	18
Dane	69,328	59,480	53,145	82	90	87	1	6
Dodge	46,584	44,915	45,810	38	54	96	8	11
Door	17,578	15,650	11,628	3	10	.....	.....	22
Douglas	36,003	13,005	612	190	68	8	133	183
Dunn	25,039	22,648	16,802	2	13	11	.....	2
Eau Claire	31,661	30,646	19,968	20	6	24	.....	13
Florence	3,196	2,594	.....	.....	7	.....	.....	.....
Fond du Lac	47,426	43,960	46,635	136	113	206	16	12
Forest	1,234	893	.....	.....	.....	.....	162	119
Grant	38,821	36,583	37,771	60	68	81	.....	.....
Green	22,695	22,700	21,697	24	32	32	.....	.....
Green Lake	15,793	15,157	14,438	3	6	13	.....	.....
Iowa	23,095	22,103	23,588	18	14	29	.....	.....
Iron	6,613	.....	.....	1	.....	.....	.....	.....
Jackson	17,266	15,786	13,198	2	10	9	197	1
Jefferson	34,749	33,496	32,062	39	34	94	.....	.....
Juneau	20,571	17,059	15,479	8	18	8	49	44
Kenosha	21,670	15,561	13,527	36	20	23	.....	.....
Kewaunee	17,205	16,144	15,779	6	9	.....	.....	.....
La Crosse	42,926	38,732	27,000	70	66	63	.....	.....
Lafayette	20,956	20,262	21,270	2	2	9	.....	.....
Langlade	12,548	9,450	650	3	1	.....	.....	13
Lincoln	16,245	11,993	1,921	1	7	.....	22	5
Manitowoc	42,253	37,817	37,496	3	13	7	.....	.....
Marathon	43,231	30,258	17,012	4	46	.....	18	65
Marinette	30,614	20,139	8,697	3	34	20	202	128
Marquette	10,506	9,675	8,885	3	1	1	.....	.....
Milwaukee	329,095	235,621	138,214	895	458	320	4	8
Monroe	27,781	23,139	21,549	43	45	23	276	25
Oconto	20,609	14,947	9,740	9	12	3	253	48
Oneida	8,801	4,952	.....	1	26	.....	70	29
Outagamie	45,213	37,719	28,646	30	23	49	999	943
Ozaukee	16,363	14,938	15,461	.....	5	.....	.....	.....
Pepin	7,905	6,932	6,225	.....	.....	1	.....	.....
Pierce	23,933	20,364	17,663	9	19	60	.....	1
Polk	17,684	12,842	9,775	4	7	2	113	114
Portage	29,476	24,787	17,720	2	8	4	.....	.....
Price	9,101	5,256	777	5	2	1	.....	.....
Racine	45,544	36,157	30,761	96	111	159	1	.....
Richland	19,455	19,103	18,143	14	16	30	14	.....
Rock	51,093	43,080	38,607	101	135	203	.....	1
St. Croix	26,827	23,135	18,926	3	4	18	.....	.....
Sauk	32,972	30,542	28,688	32	33	41	2	.....
Sawyer	2,668	1,970	.....	2	.....	.....	921	7
Shawano	25,685	18,842	10,079	22	4	14	1,768	390
Sheboygan	50,336	42,481	34,203	.....	8	3	5	.....
Taylor	11,227	6,694	2,296	34	37	15	.....	.....
Trempealeau	23,113	18,908	17,169	1	.....	20	.....	12
Vernon	28,232	25,028	23,105	95	83	120	22	.....
Vilas	4,667	.....	.....	3	.....	.....	259	.....
Walworth	29,181	27,804	26,194	74	50	55	1	.....
Washburn	5,430	2,895	.....	1	.....	.....	90	30
Washington	23,589	22,751	23,440	.....	.....	2	.....	.....
Waukesha	35,141	33,188	28,893	83	79	63	2	1
Waupaca	31,602	26,775	20,935	9	17	7	.....	2
Waushara	15,964	13,494	12,655	8	11	20	.....	2
Winnebago	58,123	49,959	42,562	58	84	115	22	44
Wood	25,849	18,123	8,961	3	2	2	10	2
Total	2,057,911	1,680,828	1,309,618	2,542	2,444	2,702	8,372	9,930

* Reprinted from Wisconsin Commission of Labor and Industrial Statistics, *The Blue Book of the State of Wisconsin* (1903), p. 173.

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*Wisconsin Population Totals 1880 to 1990**

U.S. Census Year	Total Population[1]	White	Black	Indian	Japanese	Chinese	Filipino	All Other
1880	1,313,497	1,307,618	2,702	3,161	[2]	[2]	[2]	16
1890	1,693,330	1,680,828	2,444	9,930	9	119	—	—
1900	2,069,042	2,057,911	2,542	8,372	5	212	—	—
1910	2,333,860	2,320,555	2,900	10,142	34	226	—	3
1920	2,632,067	2,616,938	5,201	9,611	60	251	3	3
1930	2,939,006	2,916,255	10,739	11,548	24	363	64	13
1940	3,137,587	3,112,752	12,158	12,265	23	290	75	24
1950	3,434,575	3,392,690	28,182	12,196	529	590	—	388
1960	3,951,777	3,858,903	74,546	14,297	1,425	1,010	401	1,195
1970	4,417,933	4,258,959	128,224	18,924	2,648	2,700	1,209	5,067
1980	4,705,642	4,443,035	182,592	29,320	2,237	4,097	2,698	41,788
1990	4,891,769	4,512,523	244,539	39,387	[Asian 53,583]			41,737

Highlights of the 1980 Census

Analyses of the 1980 Census data indicate the following:

- The increase of Indian population from 12,196 in 1950 to 29,320 in 1980 constituted a 140 percent increase, as compared to a 37 percent increase for the total Wisconsin population.
- Indians constituted only 0.6 percent of the population of the state.
- There was a noticeable decline in infant mortality but Indians still experience a higher death rate than the total population for persons under 55.
- One-third of the Indians lived on reservations.
- One-third of the Indians lived in central cities—the urban population of Indians between 1960 and 1980 more than doubled, from 21 percent to 46 percent.
- One-third of the Indians lived elsewhere in the state—a substantial proportion living near tribal reservations.
- Twenty-two percent of Indian families lived below the poverty level as compared to five percent of white families.
- Median income for Indian families was $13,520 as compared to $21,164 for whites.
- In urban areas, 29 percent of Indian families had incomes below the poverty line.
- Twenty-three percent of Indian families on reservations lived below the poverty level.
- Seventeen percent of Indians living elsewhere in the state lived below the poverty line.
- Fifty-five percent of Indian people aged 25 and older had finished high school as opposed to 70 percent of whites.
- Indian unemployment was at 16.1 percent as opposed to 6.3 percent for whites.

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* Based on data from Wisconsin Legislative Reference Library, Corp., *The Wisconsin Blue Book* (1958), p. 84, (1987-88), p. 765, and (1991-92), p. 782.

[1] Total population is corrected total. Detailed distributions have not been revised by the Census to reflect this correction.

[2] Included with "All Other."

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Frequently Asked Questions about Indians*

Who is an Indian?

There is no one federal or tribal definition that establishes a person's identity as Indian. Government agencies use different criteria for determining who is an Indian. Similarly, tribal groups have varying requirements for determining tribal membership.

For purposes of the Bureau of Census, anyone who declares himself to be an Indian is considered an Indian.

To be designated as an Indian eligible for Bureau of Indian Affairs services, an individual must be a member of a tribe of Indians recognized by the federal government and, for some purposes, be of one-fourth or more Indian ancestry. By legislative and administrative decision, the Aleuts, Eskimos, and Indians of Alaska are eligible for Bureau of Indian Affairs services. Most Bureau of Indian Affairs services and programs are limited to Indians on or near a reservation.

What is an Indian tribe?

"Tribe" among the North American Indians originally meant a body of persons, bound together by blood ties, who were socially, politically, and religiously organized, and who lived together, occupying a definite territory and speaking a common language or dialect.

The establishment of the reservation system created some new tribal groupings when members of two or three tribes were placed together on one reservation or members of one tribal group spread over two or more reservations.

How does an Indian become a member of a tribe?

By meeting membership requirements established by the tribe, or through adoption by the tribal governing body according to rules established by the tribe. Congress, too, can establish tribal membership criteria. The minimum amount of Indian blood needed to qualify an individual for membership in a tribe—apart from adoption—varies. Some tribes require only a trace of Indian blood while others require as much as one-half.

What is an Indian reservation?

An Indian reservation is an area of land reserved for Indian use. The name comes from the early days when Indian tribes relinquished land through treaties, "reserving" a portion for their own use. Congressional acts, executive orders, and administrative acts have also created reservations. Reservations today, however, may have non-Indian residents and non-Indian landowners.

Are Indians required to stay on reservations?

Indians can move about as freely as other Americans.

How many Indian languages are there?

At the end of the fifteenth century there were more than 300 different languages spoken by American Indians in what is now the United States. Today only about 250 languages are spoken, many of them spoken by just a few people. Others, such as Cherokee, Navajo, and Teton Sioux, are spoken by many thousands of people.

Do Indians serve in the armed forces?

Indians follow the same laws and requirements for military service as do all other citizens. In World War I, more than 8,000 Indians served in the Army and Navy; 6,000 by voluntary enlistment. This demonstration of patriotism was one of the factors that led Congress to pass the Indian Citizenship Act of 1924. In World War II, 25,000 Indian men and women served in the armed forces, the large majority as enlisted personnel in the Army. They fought on all fronts in Europe and Asia, winning (according to an incomplete count) 71 awards of the Air Medal, 50 of the Silver Star, 47 of the Bronze Star, 34 of the Distinguished Flying Cross, and two Congressional Medals of Honor, and 41,500 Indian men served in Vietnam. There were almost

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* U.S. Bureau of Indian Affairs, *American Indians Today: Answers to Your Questions* (Washington, DC: U.S. Dept. of the Interior, 1987), pp. 9-16.

19,000 serving in the military, according to 1983 records.

Are Indians wards of the federal government?

The federal government is a trustee of Indian property, not the guardian of the individual Indian. The Secretary of the Interior is authorized by law, in many instances, to protect the interest of minors and incompetents, but this protection does not confer a guardian-ward relationship.

Do Indians get payments from the government?

There is no automatic payment to a person because she or he is Indian. The federal government has made and continues to make nonrecurring payments to Indian tribes or individuals as compensation or damages for losses which resulted from treaty violations, for encroachments on Indian lands, or for other wrongs, past or present. Tribes or individuals may receive government checks for income from their land and resource, but only because the assets are held in trust by the Secretary of the Interior and payment for the use of the Indian resources has been collected by the federal government.

Are Indians citizens?

The U.S. Congress extended American citizenship in 1924 to all Indians born in the territorial limits of the United States. Before that, citizenship had been conferred upon approximately two-thirds of the Indians through treaty agreements, statutes, naturalization proceedings, and by "service in the Armed Forces with an honorable discharge" in World War I.

Do Indians have the right to vote?

Indians have the right to vote on the same basis as other citizens of their respective states. In 1948, disenfranchising interpretations of the Arizona Constitution were declared unconstitutional by the Arizona Supreme Court, and Indians were permitted to vote as they were in most other states. A 1953 Utah state law declared that persons living on an Indian reservation were not residents of the state and could not vote. That law was repealed several years later. In 1954, Indians in Maine who were not under federal jurisdiction were given the right to vote, and in 1962, New Mexico extended the right to vote to Indians.

Qualifications for voting in Indian tribal elections have no relationship to the right of the Indian to vote in national, state, or local elections. Each tribe determines which of its members is eligible to vote.

Do Indians have the right to hold federal, state, and local government offices?

Indians have the same rights as other citizens to hold government office. In fact, Indian men and women have held responsible elective and appointive posts at all levels of government. Charles Curtis, a Kaw Indian from Oklahoma, served as Vice President of the United States under President Herbert Hoover. Indians have been elected to the Congress from time to time for more than 60 years. Ben Reifel, a Sioux Indian from South Dakota, served five terms in the U.S. House of Representatives.

In addition, Indians have served and are serving in a number of state legislatures. Others have served on elected or appointed positions in state judiciary systems as well as in county and city government positions. Indians are increasingly winning elections to local school boards.

Do Indians have the right to own land?

Yes, Indians have the same right to own land as other citizens.

Nearly all lands of Indian tribes, however, are held by the United States in trust for those tribes, and there is no general law that permits a tribe to sell its land. Individual Indians also own trust land, and upon the approval of the Secretary of the Interior or the [Secretary's] representative, such an individual may sell his or her land. If an individual Indian wishes to extinguish the trust title to his or her land and hold title like any other citizen, he or she can do so only after the Secretary of the Interior or [the secretary's] authorized representative makes a determination that [the individual Indian] is capable of managing his or her own affairs.

If an Indian wishes to buy "non-trust" land and has the money to do so, he or she may buy it and hold the same type of title to it as would any other citizen.

Do Indians pay taxes?

Yes. They pay the same taxes as other citizens—with the following exceptions: 1) they do not pay federal income taxes on income derived from trust lands, held for them by the United States; 2) they do not pay state income tax on income earned on a federal reservation; 3) they do not pay state sales taxes on transactions occurring on a federal reservation; and 4) they do not pay local property taxes on reservation or trust lands.

Do laws that apply to non-Indians also apply to Indians?

Like non-Indians, Indians are generally subject to federal, state, and local laws. Only *federal and tribal laws* apply on reservations, however, unless the Congress has provided otherwise. (It should be noted that federal law, through the Assimilative Crimes Act, makes any violation of state criminal law a federal offense on reservations.)

Does the United States government still make treaties with Indians?

The negotiation of treaties with Indian tribes ended in 1871 by congressional action. Since that time, agreements with Indian groups have been made by congressional acts, executive orders, and executive agreements.

The treaties that have been made often contain obsolete commitments which either have been fulfilled or have been superseded by congressional legislation after consultation with the tribe or tribes concerned. Particularly in recent years, the government has provided educational, health, welfare, and other services to tribal Indians to an extent far beyond that required by treaties. Several large Indian groups have no treaties and yet share in the many services for Indians financed by the federal government.

Do Indian tribes have their own governments?

Most do. The governing body of the tribe is generally referred to as the tribal council and is made up of council[people] elected by vote of the adult members of the tribe and presided over by the tribal chair[person]. The tribal council elected in this way has authority to speak and act for the tribe and to represent it in negotiations with federal, state, and local governments.

Tribal governments, in general, define conditions of tribal membership, regulate domestic relations of members, prescribe rules of inheritance for reservation property not in trust status, levy taxes, regulate property under tribal jurisdiction, control conduct of members by tribal ordinances, and administer justice.

Many tribes are organized under the Indian Reorganization Act (IRA) of 1934, including a number of Alaska Native villages, which adopted formal governing documents under the provisions of a 1936 amendment to the IRA. However, the passage of the Alaska Native Claims Settlement Act of 1971 has provided for the creation of village and regional corporations under state law for the purpose of managing the money and lands granted by that act. Some tribes continue their traditional form of government.

Why are Indians treated differently from other people in the U.S.? Why should they have any special rights which other citizens do not have?

The special rights of Indian tribes or individual Indians are generally based on treaties or other agreements between the United States and the Indians. Usually, the Indians paid a heavy price through the concession of lands to the United States for the rights they retained. These rights are part of their Indian heritage which they are entitled to keep in the same way that people are entitled to keep lands or other goods which they inherit from their ancestors.

Great Lakes Inter-Tribal Council, Inc.*

Joseph Bressette, Executive Director of the Great Lakes Inter-Tribal Council, Inc., at his office in Lac du Flambeau. Photograph by Jason Tetzloff.

The Organization

Great Lakes Inter-Tribal Council, Inc. (GLITC) is a non-profit corporation, founded in 1965, for the purpose of providing a mechanism through which member tribes can work toward the attainment of self-sufficiency. It was created on the premise that it is the tribes themselves who must provide their own leadership and establish their own direction in order to achieve constructive change. The founders felt that through intertribal unity they could better develop and implement programs, seek outside assistance, and gain leverage in dealing with government agencies.

The organization was chartered as a non-profit corporation under State of Wisconsin statutes by ten Wisconsin tribes. Those ten tribes who initially formed the organization, and who still remain members today, are

- Bad River Band of Lake Superior Chippewa,
- Lac Courte Oreilles Band of Lake Superior Chippewa,
- Lac du Flambeau Band of Lake Superior Chippewa,
- Red Cliff Band of Lake Superior Chippewa,
- Sokaogon (Mole Lake) Band of Lake Superior Chippewa,
- St. Croix Band of Lake Superior Chippewa,
- Forest County Potawatomi Tribe,
- Stockbridge-Munsee Tribe of Wisconsin,
- Oneida Tribe of Indians of Wisconsin, and
- The Wisconsin Winnebago [now known as Ho-Chunk] Nation.

The Menominee Tribe of Wisconsin officially joined the organization in April of 1988. With the acceptance of the Menominee Tribe, GLITC becomes one of the very few intertribal organizations serving all recognized tribes within the borders of the state.

One of the most powerful assets the Wisconsin tribes and their constituents have is that they are organized in a functioning, democratic manner. While this asset has yet to achieve self-sufficiency for itself and its member tribes, it does place the tribes in a strong position to achieve that goal. GLITC has demonstrated it is possible to accommodate partisan politics and effect a transfer of leadership, yet remain a cohesive, continuing unit. GLITC has proven to be an essential building block in a program directed toward achieving change in the living conditions of Wisconsin tribes.

GLITC can contribute in this collaborative form to provide for the common good of all Indian people. While it is true that the efforts of some tribes might subsidize others, this is the importance of the organization. GLITC is in the position to ensure that all tribes can benefit from all programming efforts.

A Brief History

In 1965, GLITC was chartered as a not-for-profit, without stock corporation under Chapter 181 of the Wisconsin Statutes. In its Articles of Incorporation, the purpose of the organization is defined as:

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* Great Lakes Inter-Tribal Council, Inc., *Informational Brochure* (Lac du Flambeau: WI). Reprinted courtesy of Great Lakes Inter-Tribal Council, Inc.

1. to preserve the rights of the American Indian under Indian treaties or agreements with the United States and with any political subdivision,

2. to enlighten the public toward a better understanding of the American Indian people, and,

3. to do all manner of things necessary to improve the education, economic status, living environment, and general welfare of American Indians, and most particularly Indians who reside in the State of Wisconsin.

The organization was formed during a period of social change. Only after the Menominees', and other tribes, federal status was terminated was the importance of unity recognized. President Johnson's "War on Poverty" made available resources which enabled the formation of the intertribal council. The Office of Economic Opportunity (OEO) became a source of badly needed assistance, as were other agencies that the federal system was creating during this period. Before the Wisconsin tribes could gain access to these important new programs, it first had to unite into an agency format. GLITC was first formed as Community Action Program (CAP) and became the recipient of anti-poverty programs for the benefit of member tribes.

As the sophistication of the organization grew, and as the federal government created new programs, GLITC became the funnel through which Wisconsin tribes received more, and better program services.

Throughout the existence of the organization, its primary function has been to provide program administrative services to its member tribes. During the late 1960s and the early 1970s the vast majority of these programs were directed toward alleviating the many social hardships tribal constituents were suffering. This early programming has led to better health care, higher educational attainment levels, better housing, and better nutritional services. Although statistics still show that tribes suffer disproportionately more than others, many tribes have achieved substantial progress.

Since its inception, GLITC has been in a gradual state of transition. The member tribes utilize the organization as their needs dictate, and their needs have changed dramatically during the past 20 years. From its early years as a CAP agency, the organization has expanded to become a viable, functional tool, through which the Wisconsin tribes are able to work toward the development of a greater capability to serve the needs of their constituents.

Program administrative services, although still provided, are no longer the primary function of GLITC. The new direction is in the provision of training and technical assistance, in areas that the tribes define, to supplement and assist their efforts to achieve that greater capability. In the past few years GLITC has demonstrated its flexibility and adaptability in the training and technical assistance realm. The staff of the organization has given the member tribes, and tribes across the nation, another tool which they can use to improve their standard of living and move more closely to the ultimate goal of self-sufficiency.

Treaties

5

Introduction

In this section, presentation of each of the 29 treaties that Indian tribes and the U.S. government negotiated in or concerning Wisconsin includes three important pieces: the assistant project director's introduction, (hereafter called the author's introduction) the oratory, and the written document. The author's introduction is a brief summary of the history of the treaty, including its background, negotiation, and impact on the tribes involved. The oratory is an excerpt of Indian responses to situations described in the author's introduction. In those cases where the authors have been unable to locate Indian oratory, they have supplied the remarks of non-Indian observers or of contemporary scholars and have labeled the section as "commentary" rather than "oratory." The final and largest piece of every treaty is the written document, ratified by the U.S. Senate, and the format of the written documents is a style that is highly similar to the original printed versions. The changing formats of the treaties merely reflect changes in document style on the part of the U.S. government. Like many documents from the fundamentals section, the treaties contain their original inconsistencies in spelling, grammar, and punctuation. The variety of styles may be of interest to students and teachers alike.

Together, these three pieces show that treaty making was an extended *series* of communications and challenge readers to reconsider the idea that only written, historical documents are treaties. The documents are in English, which is only one of the many languages that were used during treaty making. An equal parallel to the documentation was the Indian oration—spoken, rather than written language. Making a treaty required both the spoken and the written understanding of the agreement. The oratory of the various Indians was not simply a precursor to the written treaty, or a complaint after the written document's ratification. This speech can be viewed as an equal part of the treaty. It is important, then, to understand the role of orators and spoken language in Indian cultures to understand how they pertain to treaty rights. Further, this understanding serves to emphasize the importance of treaty journals and recorded notes that concern speeches or conversations by and with tribal leaders.

Indian orators played important roles as communicators both to their tribal members and as representatives of the tribe. This is particularly true at treaty parleys or councils with the U.S. government. Orators carried the great burden of speaking the mind of their people in an accurate way (usually without the knowledge of reading and writing) in a one-time or "live" performance. Oratorical ability was well-respected among the Indians of North America. Oratory was the principle means of formulating public opinion and of developing a consensus for actions of chiefs, leaders, or elders and refined the various viewpoints. When orators were not chiefs, they spoke "in the name of the chiefs." Some eloquent orators were quick to remind American officials that they could not speak for all of the various bands or villages of their tribe. "I am not the Chief of the whole nation," Flat Mouth of the Pillager band of Chippewas advised Wisconsin Territorial Governor Henry Dodge in 1837, "but only of my people or tribe." American officials, however, often regarded treaty making with a few band or tribal leaders willing to negotiate as binding on all band or tribal members even though the majority may not have taken part in the negotiations or agreed to the terms of the treaty.

Because oral rather than written communication was the typical mode of Indian negotiations, the final written document to which Indians signed an "X" or their symbols was not as important to them as their understanding of the verbal agreement that had been reached at the council. Indians placed great value on the spirit of the negotiations rather than the recorded words, or written treaty document. While non-Indians left treaty negotiations with written documents confirming their intentions and goals, if not always (as will be seen) their actual words, Indians left the negotiations with understandings based on the dialogue that had taken place. Scholars have demonstrated that non-literate peoples have more finely developed memories than do literate peoples. (See the resources that follow) Yet, since the United States employed the interpreters in treaty negotiations and since some translations involved the use of several languages before the words of a negotiator could be conveyed, Indians often left treaty councils with understandings that were far different than those expressed in the written documents they had signed. Moreover, Indian delegations were often convened in places distant from their villages, such as military posts or even Washington, D.C., where they could be more easily cajoled into accepting the terms of treaties. By isolating fewer tribal leaders in distant locations and sometimes extravagant environments, U.S. negotiators could more easily direct the treaty provisions.

The isolated tribal leaders lacked the judgment and input of the other decision-makers of the tribe. For example, most Indian societies incorporated women's opinions, concerns, and issues into the decision-making process. They achieved this by having women present during the predominantly male discussions. The women's presence allowed them to share their judgments with the male tribal leaders privately, and the men could then bring these judgments and opinions to the larger discussion. It is important to note, however, that U.S. negotiators neither invited nor recognized the female leadership of the Indian societies when they came to treat with the tribes.

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Treaty 1

Author's Introduction. Known simply as the Treaty of Greenville, this first treaty between the federal government and Indian tribes of present-day Wisconsin had multiple purposes. It brought peace, of sorts, between some of the powerful Old Northwest tribes and the United States. These Indian tribes, allies of the British, had been involved in conflicts with the United States for years. In addition, attempting to establish peace, the treaty allowed for the exchange of prisoners and set boundaries between the U.S. government and the tribes of this region. Relatively minor land cessions were included, mostly lands for military purposes. The tribes were to be compensated for the cessions with annuities paid in goods, but there was an interesting proviso that allowed a tribe to use its share to buy both domestic animals and the services of a farmer. This is also the first treaty for this region in which the Indians reserved the right to hunt and fish on the ceded lands.

The treaty recognized Indian sovereignty. The Indians retained all of the land north and west of the Ohio River. They could punish those whites who trespassed on their lands. Traders who went among the Indians required a license from the U.S. government to do so. If these traders were unfair in their dealings with the Indians, the treaty allowed the U.S. government to punish the traders. These provisions echoed the "utmost good faith" promise made in the Northwest Ordinance.

Treaty of Greenville between the United States and the Chippewa, Potawatomi, and Other Tribes of the Great Lakes Region (1795)

Oratory

The following quote is an excerpt of a speech by Chippewa chiefs who were visiting Major May at Detroit in 1797. (In Diedrich, 1990, p. 16)

> We sometimes since met a great war chief of your people at Greenville for the purpose of putting a happy end to the war subsisting between us, which chief we are told is now gone to the great and good Spirit . . . .
>
> In our great council with him, he gave us assurance that all our lands should remain to us and remain to our youths and at our disposal; what passed there, we consider as done before the great and good Spirit that punishes people for doing bad things or tellings that are not true . . . . We returned home contented to our little houses to see our children and aged parents.

Complete Written Document

Aug. 3. 1795.

7 Stat., 49
Proclamation, Dec. 2, 1795.

A treaty of peace between the United States of America and the Tribes of Indians, called the Wyandots, Delawares, Shawanoes, Ottawas, Chipewas, Putawatimes, Miamis, Eel-river, Weea's, Kickapoos, Piankashaws, and Kaskaskias.

To put an end to a destructive war, to settle all controversies, and to restore harmony and a friendly intercourse between the said United States, and Indian tribes; Anthony Wayne, major-general, commanding the army of the United States, and sole commissioner for the good purposes above-mentioned, and the said tribes of Indians, by their Sachems, chiefs, and warriors, met together at Greeneville, the head quarters of the said army, have agreed on the following articles, which, when ratified by the President, with the advice and consent of the Senate of the United States, shall be binding on them and the said Indian tribes.

ARTICLE I.

Peace established.

Henceforth all hostilities shall cease; peace is hereby established, and shall be perpetual; and a friendly intercourse shall take place, between the said United States and Indian tribes.

ARTICLE II.

Prisoners on both sides to be restored.

All prisoners shall on both sides be restored. The Indians, prisoners to the United States, shall be immediately set at liberty. The people of the United States, still remaining prisoners among the Indians, shall be delivered up in ninety days from the date hereof, to the general or commanding officer at Greeneville, Fort Wayne or Fort Defiance; and ten chiefs of the said tribes shall remain at Greeneville as hostages, until the delivery of the prisoners shall be effected.

ARTICLE III.

Boundary line established.

The general boundary line between the lands of the United States, and the lands of the said Indian tribes, shall begin at the mouth of Cayahoga river, and run thence up the same to the portage between that and the Tuscarawas branch of the Muskingum; thence down that branch to the crossing place above Fort Lawrence; thence westerly to a fork of that branch of the great Miami river running into the Ohio, at or near which fork stood Loromie's store, and where commences the portage between the Miami of the Ohio, and St. Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westerly course to Fort Recovery, which stands on a branch of the Wabash; then south-westerly in a direct line to the Ohio, so as to intersect that river opposite the mouth of Kentucke or Cuttawa river. And in consideration of the peace now established; of the goods formerly received from the United States; of those now to be delivered, and of the yearly delivery of goods now stipulated to be made hereafter, and to indemnify the United States for the injuries and expenses they have sustained during the war; the said Indians tribes do hereby cede and relinquish forever, all their claims to the lands lying eastwardly and southwardly of the general boundary line now described; and these lands, or any part of them, shall never hereafter be made a cause or pretence, on the part of the said tribes or any of them, of war or injury to the United States, or any of the people thereof.

Cession of particular tracts of land by the Indians.

And for the same considerations, and as an evidence of the returning friendship of the said Indian tribes, of their confidence in the United States, and desire to provide for their accommodation, and for that convenient intercourse which will be beneficial to both parties, the said Indian tribes do also cede to the United States the following pieces of land; to-wit. (1.) One piece of land six miles square at or near Loromie's store before mentioned. (2.) One piece two miles square at the head of the navigable water or landing on the St. Mary's river, near Girty's town. (3.) One piece six miles square at the head of the navigable water of the Au-Glaize river. (4.) One piece six miles square at the confluence of the Au-Glaize and Miami rivers, where Fort Defiance now stands. (5.) One piece six miles square at or near the confluence of the rivers St. Mary's and St. Joseph's, where Fort Wayne now stands, or near it. (6.) One piece two miles square on the Wabash river at the end of the portage from the Miami of the lake, and about eight miles westward from Fort Wayne. (7.) One piece six miles square at the Ouatanon or old Weea towns on the Wabash river. (8.) One piece twelve miles square at the British fort on the Miami of the lake at the foot of the rapids. (9.) One piece six miles square at the mouth of the said river where it empties into the Lake. (10.) One piece six miles square upon Sandusky lake, where a fort formerly stood. (11.) One piece two miles square at the lower rapids of Sandusky river. (12.) The post of Detroit and all the land to the north, the west and the south of it, of which the Indian title has been extinguished by gifts or grants to the French or English governments; and so much more land to be annexed to the district of Detroit as shall be comprehended between the river Rosine on the south, lake St. Clair on the north, and a line, the general course whereof shall be six miles distant from the west end of lake Erie, and Detroit river. (13.) The post of Michillimackinac, and all the land on the island, on which that post stands, and the main land adjacent, of which the Indian title has been extinguished by gifts or grants to the French or English governments; and a piece of land on the main to the north of the island, to measure six miles on lake Huron, or the strait between lakes Huron and Michigan, and to extend three miles back from the water of the lake or strait, and also the island De Bois Blanc, being an extra and voluntary gift of the Chipewa nation. (14.) One piece of land six miles square at the mouth of Chikago river, emptying into the south-west end of Lake Michigan, where a fort formerly stood. (15.) One piece twelve miles square at or near the mouth of the Illinois river, emptying into the Mississippi. (16.) One piece six miles square at the old Piorias fort and village, near the south end of the Illinois lake on said Illinois river: And whenever the United States shall think proper to survey and mark the boundaries of the lands hereby ceded to them, they shall give timely notice thereof to the said tribes of Indians, that they may appoint some of their wise chiefs to attend and see that the lines are run according to the terms of this treaty.

Cession of passages in certain places by the Indians.

And the said Indian tribes will allow to the people of the United States a free passage by land and by water, as one and the other shall be found convenient, through their country, along the chain of posts herein before mentioned; that is to say, from the commencement of the portage aforesaid at or near Loromie's store, thence along said portage to the St. Mary's, and down the same to Fort Wayne, and then down the Miami to lake Erie: again from the commencement of the portage at or near Loromie's store along the portage from thence to the river Au-Glaize, and down the same to its junction with the Miami at Fort Defiance: again from the commencement of the portage aforesaid, to Sandusky river, and down the same to Sandusky bay and lake Erie, and from Sandusky to the post which shall be taken at or near the foot of the rapids of the Miami of the lake: and from thence to Detroit. Again from the mouth of Chikago, to the commencement of the portage, between that river and the Illinois, and down the Illinois river to the Mississippi, also from Fort Wayne along the portage aforesaid which leads to the Wabash, and then down the Wabash to the Ohio. And the said Indian tribes will also allow to the people of the United States the free use of the harbors and mouths of rivers along the lakes adjoining the Indian lands, for sheltering vessels and boats, and liberty to land their cargoes where necessary for their safety.

ARTICLE IV.

Relinquishment of certain lands by United States.

In consideration of the peace now established and of the cessions and relinquishments of lands made in the preceding article by the said tribes of Indians, and to manifest the liberality of the United States, as the great means of rendering this peace strong and perpetual; the United States relinquish their claims to all other Indian lands northward of the river Ohio, eastward of the Mississippi, and westward and southward of the Great Lakes and the waters uniting them, according to the boundary line agreed on by the United States and the king of Great-Britain, in the treaty of peace made between them in the year 1783. But from this relinquishment by the United States, the following tracts of land, are explicitly excepted. 1st. The tract of one hundred and fifty thousand acres near the rapids of the river Ohio, which has been assigned to General Clark, for the use of himself and his warriors. 2d. The post of St. Vincennes on the river Wabash, and the lands adjacent, of which the Indian title has been extinguished. 3d. The lands at all other places in possession of the French people and other white settlers among them, of which the Indian title has been extinguished as mentioned in the 3d article; and 4th. The post of fort Massac towards the mouth of the Ohio. To which several parcels of land so excepted, the said tribes relinquish all the title and claim which they or any of them may have.

Exceptions.

And for the same considerations and with the same views as above mentioned, the United States now deliver to the said Indian tribes a quantity of goods to the value of twenty thousand dollars, the receipt whereof they do hereby acknowledge; and henceforward every year forever the United States will deliver at some convenient place northward of the river Ohio, like useful goods, suited to the circumstances of the Indians, of the value of nine thousand five hundred dollars; reckoning that value at the first cost of the goods in the city or place in the United States, where they shall be procured. The tribes to which those goods are to be annually delivered, and the proportions in which they are to be delivered, are the following.

Annual allowance to be made to the Indians.

1st. To the Wyandots, the amount of one thousand dollars. 2d. To the Delawares, the amount of one thousand dollars. 3d. To the Shawanese, the amount of one thousand dollars. 4th. To the Miamis, the amount of one thousand dollars. 5th. To the Ottawas, the amount of one thousand dollars. 6th. To the Chippewas, the amount of one thousand dollars. 7th. To the Putawatimes, the amount of one thousand dollars. 8th. And to the Kickapoo, Weea, Eel-river, Piankashaw and Kaskaskias tribes, the amount of five hundred dollars each.

Provided, That if either of the said tribes shall hereafter at an annual delivery of their share of the goods aforesaid, desire that a part of their annuity should be furnished in domestic animals, implements of husbandry, and other utensils convenient for them, and in compensation to useful artificers who may reside with or near them, and be employed for their benefit, the same shall at the subsequent annual deliveries be furnished accordingly.

Proviso.

ARTICLE V.

To prevent any misunderstanding about the Indian lands relinquished by the United States in the fourth article, it is now explicitly declared, that the meaning of that relinquishment is this: The Indian tribes who have a right to those lands, are quietly to enjoy them, hunting, planting, and dwelling thereon so long as they please, without any molestation from the United States; but when those tribes, or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United States; and until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same. And the said Indian tribes again acknowledge themselves to be under the protection of the said United States and no other power whatever.

Indians have right to hunt on lands relinquished by United States, etc.

ARTICLE VI.

Indians may expel settlers from their lands.

If any citizen of the United States, or any other white person or persons, shall presume to settle upon the lands now relinquished by the United States, such citizen or other person shall be out of the protection of the United States; and the Indian tribe, on whose land the settlement shall be made, may drive off the settler, or punish him in such manner as they shall think fit; and because such settlements made without the consent of the United States, will be injurious to them as well as to the Indians, the United States shall be at liberty to break them up, and remove and punish the settlers as they shall think proper, and so effect that protection of the Indian lands herein before stipulated.

ARTICLE VII.

Indians may hunt on lands ceded to United States.

The said tribes of Indians, parties to this treaty, shall be at liberty to hunt within the territory and lands which they have now ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury to the people of the United States.

ARTICLE VIII.

Trade to be opened with the Indians.

Trade shall be opened with the said Indian tribes; and they do hereby respectively engage to afford protection to such persons, with their property, as shall be duly licensed to reside among them for the purpose of trade, and to their agents and servants; but no person shall be permitted to reside at any of their towns or hunting camps as a trader, who is not furnished with a license for that purpose, under the hand and seal of the superintendent of the department north-west of the Ohio, or such other person as the President of the United States shall authorize to grant such licenses; to the end, that the said Indians may not be imposed on in their trade. And if any licensed trader shall abuse his privilege by unfair dealing, upon complaint and proof thereof, his license shall be taken from him, and he shall be further punished according to the laws of the United States. And if any person shall intrude himself as a trader, without such license, the said Indians shall take and bring him before the superintendent or his deputy, to be dealt with according to law. And to prevent impositions by forged licenses, the said Indians shall at least once a year give information to the superintendant or his deputies, of the names of the traders residing among them.

ARTICLE IX.

Retaliation restrained.

Lest the firm peace and friendship now established should be interrupted by the misconduct of individuals, the United States, and the said Indian tribes agree, that for injuries done by individuals on either side, no private revenge or retaliation shall take place; but instead thereof, complaint shall be made by the party injured, to the other: By the said Indian tribes, or any of them, to the President of the United States, or the superintendent by him appointed; and by the superintendent or other person appointed by the President, to the principal chiefs of the said Indian tribes, or of the tribe to which the offender belongs; and such prudent measures shall then be pursued as shall be necessary to preserve the said peace and friendship unbroken, until the Legislature (or Great Council) of the United States, shall make other equitable provision in the case, to the satisfaction of both parties. Should any Indian tribes meditate a war against the United States or either of them, and the same shall come to the knowledge of the before-mentioned

Indians to give notice of designs against United States.

tribes, or either of them, they do hereby engage to give immediate notice thereof to the general or officer commanding the troops of the United States, at the nearest post. And should any tribe, with hostile intentions against the United States, or either of them, attempt to pass through their country, they will endeavor to prevent the same, and in like manner give information of such attempt, to the general or officer commanding, as soon as possible, that all causes of mistrust and suspicion may be avoided between them and the United States. In like manner the United States shall give notice to the said Indian tribes of any harm that may be meditated against them, or either of them, that shall come to their knowledge; and do all in their power to hinder and prevent the same, that the friendship between them may be uninterrupted.

ARTICLE X.

Former treaties void.

All other treaties heretofore made between the United States and the said Indian tribes, or any of them, since the treaty of 1783, between the United States and Great Britain, that come within the purview of this treaty, shall henceforth cease and become void.

In testimony whereof, the said Anthony Wayne, and the sachems and war chiefs of the beforementioned nations and tribes of Indians, have hereunto set their hands and affixed their seals.

Done at Greenville, in the territory of the United States northwest of the river Ohio, on the third day of August, one thousand seven hundred and ninety-five.

Anthony Wayne, [L.S.]
Wyandots:
Tarhe, or Crane, his x mark, [L.S.]
J. Williams, jun. his x mark, [L.S.]
Teyyaghtaw, his x mark, [L.S.]
Haroenyou, or half king's son, his x mark, [L.S.]
Tehaawtorens, his x mark, [L.S.]
Awmeyeeray, his x mark, [L.S.]
Stayetah, his x mark, [L.S.]
Shateyyaronyah, or Leather Lips, his x mark, [L.S.]
Daughshuttayah, his x mark, [L.S.]
Shaawrunthe, his x mark, [L.S.]
Delawares:
Tetabokshke, or Grand Glaize King, his x mark, [L.S.]
Lemantanquis, or Black King, his x mark, [L.S.]
Wabatthoe, his x mark, [L.S.]
Maghpiway, or Red Feather, his x mark, [L.S.]
Kikthawenund, or Anderson, his x mark, [L.S.]
Bukongehelas, his x mark, [L.S.]
Peekeelund, his x mark, [L.S.]
Wellebawkeelund, his x mark, [L.S.]
Peekeetelemund, or Thomas Adams, his x mark, [L.S.]
Kishkopekund, or Captain Buffalo, his x mark, [L.S.]
Amenahehan, or Captain Crow, his x mark, [L.S.]
Queshawksey, or George Washington, his x mark, [L.S.]
Weywinquis, or Billy Siscomb, his x mark, [L.S.]
Moses, his x mark, [L.S.]
Shawanees:
Misquacoonacaw, or Red Pole, his x mark, [L.S.]
Cutthewekasaw, or Black Hoof, his x mark, [L.S.]
Kaysewaesekah, his x mark, [L.S.]
Weythapamattha, his x mark, [L.S.]
Nianymseka, his x mark, [L.S.]
Waytheah, or Long Shanks, his x mark, [L.S.]
Weyapiersenwaw, or Blue Jacket, his x mark, [L.S.]
Nequetaughaw, his x mark, [L.S.]
Hahgooseekaw, or Captain Reed, his x mark, [L.S.]
Ottawas:
Augooshaway, his x mark, [L.S.]
Keenoshameek, his x mark, [L.S.]
La Malice, his x mark, [L.S.]
Machiwetah, his x mark, [L.S.]
Thowonawa, his x mark, [L.S.]
Secaw, his x mark, [L.S.]
Chippewas:
Mashipinashiwish, or Bad Bird, his x mark, [L.S.]
Nahshogashe, (from Lake Superior,) his x mark, [L.S.]
Kathawasung, his x mark, [L.S.]
Masass, his x mark, [L.S.]
Nemekass, or Little Thunder, his x mark, [L.S.]

Peshawkay, or Young Ox, his x mark, [L.S.]
Nanguey, his x mark, [L.S.]
Meenedohgeesogh, his x mark, [L.S.]
Peewanshemenogh, his x mark, [L.S.]
Weymegwas, his x mark [L.S.]
Gobmaatick, his x mark, [L.S.]
Ottawa:
Chegonickska, (an Ottawa from Sandusky,) his x mark, [L.S.]
Pattawatimas of the river St. Joseph:
Thupenebu, his x mark, [L.S.]
Nawac, (for himself and brother Etsimethe,) his x mark, [L.S.]
Nenanseka, his x mark, [L.S.]
Keesass, or Run, his x mark, [L.S.]
Kabamasaw, (for himself and brother Chisaugan,) his x mark, [L.S.]
Sugganunk, his x mark, [L.S.]
Wapmeme, or White Pigeon, his x mark, [L.S.]
Wacheness, (for himself and brother Pedagoshok,) his x mark, [L.S.]
Wabshicawnaw, his x mark, [L.S.]
La Chasse, his x mark, [L.S.]
Meshegethenogh, (for himself and brother Wawasek,) his x mark, [L.S.]
Hingoswash, his x mark, [L.S.]
Anewasaw, his x mark, [L.S.]
Nawbudgh, his x mark, [L.S.]
Missenogomaw, his x mark, [L.S.]
Waweegshe, his x mark, [L.S.]
Thawme, or Le Blanc, his x mark, [L.S.]
Geeque, (for himself and brother Shewinse,) his x mark, [L.S.]
Pattawatimas of Huron:
Okia, his x mark, [L.S.]
Chamung, his x mark, [L.S.]
Segagewan, his x mark, [L.S.]
Nanawme, (for himself and brother A. Gin,) his x mark, [L.S.]
Marchand, his x mark, [L.S.]
Wenameac, his x mark, [L.S.]
Miamis:
Nagohquangogh, or Le Gris, his x mark, [L.S.]
Meshekunnoghquoh, or Little Turtle, his x mark, [L.S.]
Miamis and Eel Rivers:
Peejeewa, or Richard Ville, his x mark, [L.S.]
Cochkepoghtogh, his x mark, [L.S.]
Eel River Tribe:
Shamekunnesa, or Soldier, his x mark, [L.S.]
Miamis:
Wapamangwa, or the White Loon, his x mark, [L.S.]
Weas, for themselves and the Piankeshaws:
Amacunsa, or Little Beaver, his x mark, [L.S.]
Acoolatha, or Little Fox, his x mark, [L.S.]
Francis, his x mark, [L.S.]
Kickapoos and Kaskaskias:
Keeawhah, his x mark, [L.S.]
Nemighka, or Josey Renard, his x mark, [L.S.]
Paikeekanogh, his x mark, [L.S.]
Delawares of Sandusky:
Hawkinpumiska, his x mark, [L.S.]
Peyamawksey, his x mark, [L.S.]
Reyntueco, (of the Six nations, living at Sandusky,) his x mark, [L.S.]

In presence of (the word "goods" in the sixth line of the third article; the word "before" in the twenty-sixth line of the third article; the words "five hundred" in the tenth line of the fourth article, and the word "Piankeshaw" in the fourteenth line of the fourth article, being first interlined)—

H. De Butts, first aid de camp and secretary to Major General Wayne.
Wm. H. Harrison, aid de camp to Major General Wayne.
T. Lewis, aid de camp to Major General Wayne.
James O'Hara, quartermaster general.
John Mills, major of infantry and adjutant general.
Caleb Swan, P.M.T.U.S.
Geo. Demter, lieutenant artillery.
Vigo.
P. Frs. La Fontaine.
Ant. Lasselle.
H. Lasselle.
Jn. Beau Bien.
David Jones, chaplain U.S.S.
Lewis Beaufait.
R. Lachambre.
Jas. Pepen.
Baties Coutien.
P. Navarre.
Sworn interpreters:
Wm. Wells.
Jacques Lasselle.
M. Morins.
Bt. Sans Crainte.
Christopher Miller.
Robert Wilson.
Abraham Williams, his x mark.
Isaac Zane, his x mark.

Treaty 2

Author's Introduction. William Henry Harrison, future President of the United States, negotiated the first Indian land cession in Wisconsin. Harrison persuaded a small number of Sac and Fox chiefs visiting St. Louis to cede all of their tribes' lands east of the Mississippi River, including their share of the lead-rich land in southeastern Wisconsin. In return for this major land cession, the two tribes were to receive goods worth $2,234.50 and an annuity of goods worth $1,000.

According to the treaty, the Sac and Fox Indians reserved the right to live and hunt on the lands that they ceded "as long as the lands . . . remain their [the United States'] property." This provision no doubt led the Indians who signed the treaty to believe that they would always have access to their lands.

The majority of tribal members objected to the treaty provisions, and some completely disavowed the treaty. The leader of the anti-treaty faction—referred to as the British Band because of its supposed British sympathies—was Black Hawk. Black Hawk's opposition to this treaty and other perceived wrongs against his band caused him in 1832 to take his band back across the Mississippi River to the lands ceded in the 1804 treaty. Settlers saw this as an invasion and mobilized their militias against his band. The resulting Black Hawk War was the last major Indian war in Wisconsin.

Treaty between the United States and the Sac and Fox Indians (1804)

Oratory

An unnamed Indian spoke the following at a council with General James Wilkinson in 1805. (In Carter, 1948, p. 168)

> . . . We were desirous to oblige the United States, but we had never before Sold Land, and we did not know the value of it, we trusted our beloved white men to Speak for us, and we have given away a great Country to Governor Harrison for a little thing, we do not say we were cheated, but we made a bad bargain and the Chiefs who made it are all dead, yet the bargain Stands, for we never take back what we have given, but we hope our Great Father will consider our Situation, for we are very Poor, and that he will allow us Something in addition, to what Governor Harrison has promised us . . . .

Complete Written Document

A treaty between the United States of America and the United tribes of Sac and Fox Indians.

Nov. 3, 1804.

7 Stat., 84.

Ratified Jan. 25, 1805.

Proclaimed Feb. 21, 1805.

ARTICLES of a treaty made at St. Louis in the district of Louisiana between William Henry Harrison, governor of the Indiana territory and of the district of Louisiana, superintendent of Indian affairs for the said territory and district, and commissioner plenipotentiary of the United States for concluding any treaty or treaties which may be found necessary with any of the north western tribes of Indians of the one part, and the chiefs and head men of the united Sac and Fox tribes of the other part.

Indians taken under protection of United States.

ARTICLE 1. The United States receive the united Sac and Fox tribes into their friendship and protection, and the said tribes agree to consider themselves under the protection of the United States, and of no other power whatsoever.

Boundaries.

ART. 2. The general boundary line between the lands of the United States and of the said Indian tribes shall be as follows, to wit: Beginning at a point on the Missouri river opposite to the mouth of the Gasconade river; thence in a direct course so as to strike the river Jeffreon at the distance of thirty miles from its mouth, and down the said Jeffreon to the Mississippi, thence up the Mississippi to the mouth of the Ouisconsing river and up the same to a point which shall be thirty-six miles in a direct line from the mouth of the said river, thence by a direct line to the point where the Fox river (a branch of the Illinois) leaves the small lake called Sakaegan, thence down the Fox river to the Illinois river, and down the same to the Mississippi. And the said tribes, for and in consideration of the friendship and protection of the United States which is now extended to them, of the goods (to the value of two thousand two hundred and thirty-four dollars and fifty cents) which are now delivered, and of the annuity hereinafter stipulated to be paid, do hereby cede and relinquish forever to the United States, all the lands included within the above-described boundary.

Goods to be delivered to the Indian tribes at St. Louis every year.

ART. 3. In consideration of the cession and relinquishment of land made in the preceding article, the United States will deliver to the said tribes at the town of St. Louis or some other convenient place on the Mississippi yearly and every year goods suited to the circumstances of the Indians of the value of one thousand dollars (six hundred of which are intended for the Sacs and four hundred for the Foxes) reckoning that value at the first cost of the goods in the city or place in the United States where they shall be procured. And if the said tribes shall hereafter at an annual delivery of the goods aforesaid, desire that a part of their annuity should be furnished in domestic animals, implements of husbandry and other utensils convenient for them, or in compensation to useful artificers who may reside with or near them, and be employed for their benefit, the same shall at the subsequent annual delivery be furnished accordingly.

Indians to be secured in their possessions, etc.

ART. 4. The United States will never interrupt the said tribes in the possession of the lands which they rightfully claim, but will on the contrary protect them in the quiet enjoyment of the same against their own citizens and against all other white persons who may intrude upon them. And the said tribes do hereby engage that they will never sell their lands or any part thereof to any sovereign power, but the United States, nor to the citizens or subjects of any other sovereign power, nor to the citizens of the United States.

Retaliation restrained. Offenders on both sides to be apprehended and punished.

ART. 5. Lest the friendship which is now established between the United States and the said Indian tribes should be interrupted by the misconduct of individuals, it is hereby agreed that for injuries done by individuals no private revenge or retaliation shall take place, but, instead thereof, complaints shall be made by the party injured to the other—by the said tribes or either of them to the superintendent of Indian affairs or one of his deputies, and by the superintendent or other person appointed by the President, to the chiefs of the said tribes. And it shall be the duty of the said chiefs upon complaint being made as aforesaid to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the state or territory where the offence may have been committed; and in like manner if any robbery, violence or murder shall be committed on any Indian or Indians belonging to the said tribes or either of them, the person or persons so offending shall be tried, and if found guilty, punished in the like manner as if the injury had been done to a white man. And it is further agreed, that the chiefs of the said tribes shall, to the utmost of their power exert themselves to recover horses or other property which may be stolen from any citizen or citizens of the United States by any individual or individuals of their tribes, and the property so

Stolen horses to be restored to the proper owner.

recovered shall be forthwith delivered to the superintendent or other person authorized to receive it, that it may be restored to the proper owner; and in cases where the exertions of the chiefs shall be ineffectual in recovering the property stolen as aforesaid, if sufficient proof can be obtained that such property was actually stolen by any Indian or Indians belonging to the said tribes or either of them, the United States may deduct from the annuity of the said tribes a sum equal to the value of the property which has been stolen. And the United States hereby guarantee to any Indian or Indians of the said tribes a full indemnification for any horses or other property which may be stolen from them by any of their citizens; provided that the property so stolen cannot be recovered and that sufficient proof is produced that it was actually stolen by a citizen of the United States.

Intruders on Indian lands to be removed.

ART. 6. If any citizen of the United States or other white person should form a settlement upon lands which are the property of the Sac and Fox tribes, upon complaint being made thereof to the superintendent or other person having charge of the affairs of the Indians, such intruder shall forthwith be removed.

Indians may hunt on lands ceded to United States.

ART. 7. As long as the lands which are now ceded to the United States remain their property, the Indians belonging to the said tribes, shall enjoy the privilege of living and hunting upon them.

None but authorized traders to reside among the Saukes and Foxes.

ART. 8. As the laws of the United States regulating trade and intercourse with the Indian tribes, are already extended to the country inhabited by the Saukes and Foxes, and as it is provided by those laws that no person shall reside as a trader in the Indian country without a license under the hand [and] seal of the superintendent of Indian affairs, or other person appointed for the purpose by the President, the said tribes do promise and agree that they will not suffer any trader to reside amongst them without such license; and that they will from time to time give notice to the superintendent or to the agent for their tribes of all the traders that may be in their country.

Trading house or factory to be established.

ART. 9. In order to put a stop to the abuses and impositions which are practiced upon the said tribes by the private traders, the United States will at a convenient time establish a trading house or factory where the individuals of the said tribes can be supplied with goods at a more reasonable rate than they have been accustomed to procure them.

Peace to be made between certain tribes under the direction of United States.

ART. 10. In order to evince the sincerity of their friendship and affection for the United States and a respectful deference for their advice by an act which will not only be acceptable to them but to the common Father of all the nations of the earth; the said tribes do hereby solemnly promise and agree that they will put an end to the bloody war which has heretofore raged between their tribes and those of the Great and Little Osages. And for the purpose of burying the tomahawk and renewing the friendly intercourse between themselves and the Osages, a meeting of their respective chiefs shall take place, at which under the direction of the above-named commissioner or the agent of Indian affairs residing at St. Louis, an adjustment of all their differences shall be made and peace established upon a firm and lasting basis.

Cession of land for the establishment of a military post.

ART. 11. As it is probable that the government of the United States will establish a military post at or near the mouth of the Ouisconsing river; and as the land on the lower side of the river may not be suitable for that purpose, the said tribes hereby agree that a fort may be built either on the upper side of the Ouisconsing or on the right bank of the Mississippi, as the one or the other may be found most convenient; and a tract of land not exceeding two miles square shall be given for that purpose. And the said tribes do further

Traders, etc., to be free from any toll or exaction.

agree, that they will at all times allow to traders and other persons traveling through their country under the authority of the United States a free and safe passage for themselves and their property of every description. And that for such passage they shall at no time and on no account whatever be subject to any toll or exaction.

Treaty when to take effect.

ART. 12. This treaty shall take effect and be obligatory on the contracting parties as soon as the same shall have been ratified by the President by and with the advice and consent of the Senate of the United States.

In testimony whereof, the said William Henry Harrison, and the chiefs and head men of the said Sac and Fox tribes, have hereunto set their hands and affixed their seals.

Done at Saint Louis, in the district of Louisiana, on the third day of November, one thousand eight hundred and four, and of the independence of the United States the twenty-ninth.

William Henry Harrison,	[L.S.]
Layauvois, or Lalyurva, his x mark,	[L.S.]
Pashepaho, or the giger, his x mark,	[L.S.]
Quashquame, or jumping fish, his x mark,	[L.S.]
Outchequaka, or sun fish, his x mark,	[L.S.]
Hahshequarhiqua, or the bear, his x mark,	[L.S.]

In presence of (the words "a branch of the Illinois," in the third line of the second article, and the word "forever," in the fifth line of the same article, being first interlined)—

Wm. Prince, secretary to the commissioner,
John Griffin, one of the judges of the Indiana Territory,
J. Bruff, major artillery, United States,
Amos Stoddard, captain, Corps Artillerists,
P. Chouteau,
Vigo,
S. Warrel, lieutenant, United States Artillery,
D. Delamay.
Joseph Barron,
Hypolite Bolen, his x mark,
Sworn interpreters.

ADDITIONAL ARTICLE.

It is agreed that nothing in this treaty contained, shall affect the claim of any individual or individuals who may have obtained grants of land from the Spanish government, and which are not included within the general boundary line laid down in this treaty, provided that such grant have at any time been made known to the said tribes and recognized by them.

Treaty 3

Author's Introduction. Many Wisconsin and Old Northwest Indians fought on the British side during the War of 1812. The United States had to make peace with these Indian nations after the war. In 1815, President Madison appointed three commissioners to notify these tribes that the war was over and that they must negotiate treaties of "peace and friendship" with the United States. In 1815 and 1816, thirteen such treaties were negotiated.

The 1816 Treaty with the Winnebagos (now known as the Ho-Chunks) is typical of these treaties. It arranged for the peace and friendship that Monroe sought and ended the war between the Winnebagos and the United States. The Winnebagos acknowledged, for the first time, that they were under the protection of the United States, and both sides promised to give up any prisoners.

For the Winnebagos, the treaty had another implication. It was signed by only a small portion of the chiefs and headmen of the tribe, a practice that continued in future treaties with the United States. Although only a very small majority of the tribe approved the treaty, the federal government claimed it as binding for the whole tribe. This practice of negotiation eroded the traditional consensus style leadership that most tribes followed, and was encouraged by the federal government because it made land cession and other treaties easier to obtain. Many of the major land cession treaties of Wisconsin tribes in the 1820s and 1830s were approved by only small factions of the tribes.

Treaty between the United States and the Winnebago Nation (1816)

Commentary

The following is historian J.A. Jones' description of the relations between different groups of the Winnebago nation, and between those groups and the U.S. government. (Jones, 1974, pp. 103-104)

> By a treaty of peace and friendship entered into between the United States and that portion of the Winnebago tribe residing at the Wisconsin river signed in June 3, 1816, these Winnebago promised to remain distinct and separate from the rest of the Winnebago, giving them no aid or assistance whatever, until a treaty of peace could be signed between them and the United States . . . . Phrased in more conformance to the facts, those Winnebago at Lake Winnebago, on the upper Fox River, and near the Fox-Wisconsin Portage promised not to have dealings with the Winnebago of the upper Rock River until they could be reconciled to the United States. Here we have a formal acknowledgement of the split in the Winnebago. No treaty of peace as such was ever made with the Winnebago of Rock River . . . .

Complete Written Document

June 3, 1816.

7 Stat., 144.

Proclamation, Dec. 30, 1816.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said states, of the one part, and the undersigned chiefs and warriors of that portion of the Winnebago tribe or nation residing on the Ouisconsin river, of the other part.

Injuries, etc., forgiven.

Whereas the undersigned chiefs and warriors, as well as that portion of the nation which they represent, have separated themselves from the rest of their nation, and reside in a village on the Ouisconsin river, and are desirous of returning to a state of friendly relations with the United States, the parties hereto have agreed to the following articles.

ARTICLE. 1. Every injury or act of hostility, committed by one or either of the contracting parties against the other, shall be mutually forgiven and forgot; and all the friendly relations that existed between them before the late war, shall be, and the same are hereby, renewed.

Former cessions, treaties, etc., confirmed.

ART. 2. The undersigned chiefs and warriors, for themselves and those they represent, do by these presents, confirm to the United States all and every cession of land heretofore made by their nation to the British, French, or Spanish government, within the limits of the United States, or their territories; and also, all and every treaty, contract, and agreement, heretofore concluded between the United States and the said tribe or nation, as far as their interest in the same extends.

Protection of United States acknowledged.

ART. 3. The undersigned chiefs and warriors as aforesaid, for themselves and those they represent, do hereby acknowledge themselves to be under the protection of the United States, and of no other nation, power, or sovereign, whatsoever.

Indians to remain distinct from rest of their tribe.

ART. 4. The aforesaid chiefs and warriors, for themselves and those they represent, do further promise to remain distinct and separate from the rest of their tribe or nation, giving them no aid or assistance whatever, until peace shall also be concluded between the United States and the said tribe or nation.

Prisoners to be delivered up.

ART. 5. The contracting parties do hereby agree, promise, and oblige themselves, reciprocally, to deliver up all prisoners now in their hands (by what means soever the same may have come into their possession) to the officer commanding at Prairie du Chien, to be by him restored to the respective parties hereto, as soon as it may be practicable.

In witness whereof, the commissioners aforesaid, and the undersigned chiefs and warriors as aforesaid, have hereunto subscribed their names, and affixed their seals, this third day of June, in the year of our Lord one thousand eight hundred and sixteen, and of the independence of the United States, the fortieth.

William Clark, [L.S.]
Ninian Edwards, [L.S.]
Aug. Chouteau, [L.S.]
Choukeka, or Dekare, the Spoon, his x mark, [L.S.]
Onunaka, or Karamanu, his x mark, [L.S.]
Wechoka, the Green Feather, his x mark, [L.S.]
Shougkapar, the Dog, his x mark, [L.S.]
Nekousaa, the Main Channel, his x mark, [L.S.]
Achahouska, the White Sky, his x mark, [L.S.]
Chenapinka, the Good House, his x mark, [L.S.]
Makamka, the Earth, his x mark, [L.S.]
Wapanoneker, the Bear, his mark, [L.S.]
Opwarchickwaka, the Rain, his x mark, [L.S.]
Chepurganika, the little Buffalo Head, his x mark, [L.S.]

Done at St. Louis in the presence of—

R. Wash, secretary to the commission,
R. Paul, C.T. of the C.
Wm. O. Allen, captain U.S. Corps of Artillery,
N. Boilvin, agent,
Thomas Forsyth, Indian agent,
Maurice Blondeaux, Indian agent,
Henry Delorier, interpreter,
Pierre Lapointe, interpreter,
Baptiste Pereault, interpreter,
Samuel Solomon, interpreter,
Jacques Mette, interpreter.

Treaty 4

Author's Introduction. Though similar in many ways to the treaties of peace and friendship that the government signed after the War of 1812 with other tribes in Wisconsin, this treaty was different because it contained a major land cession. This was the first postwar cession by these tribes, and while much of the land that was ceded was in northern Illinois, the government did negotiate for at least five leagues of land claimed by the tribes near Prairie du Chien.

The treaty stated that the tribes were to fulfill all the obligations imposed upon them by earlier treaties. The Indians reserved the right to hunt and fish on the ceded lands. For their considerable cession, the Indians received only an unspecified amount of presents and the promise of $1,000 worth of trade goods a year for 12 years.

This treaty is important for several reasons. It was the first postwar land cession treaty in Wisconsin, but it also established the government's policy of treating with these tribes. The government ignored the cultural and political differences of these tribes, and treated them as though they were a single political entity. This practice would continue for future Wisconsin land cessions for these so-called United Nations of Chippewa, Ottawa, and Potawatomi Indians.

Treaty between the United States and the United Tribes of the Ottawas, Chippewas, and Potawatomis (1816)

Commentary

The following is historian R. David Edmunds' description of the exchanges between the Potawatomis and the U.S. government that led to the treaty-making event of 1816. (Edmunds, 1978, pp. 217-18)

> . . . In the autumn of 1815 . . . Richard Graham informed the Potawatomis along the Illinois River that the terms of the peace treaty also applied to the Sac and Fox cession of western Illinois in 1804. Graham told the Indians that the government intended to use the region for military bounty lands and that surveyors would begin mapping the area in the spring. Senachewine, Black Partridge, and other chiefs at Peoria adamantly repudiated the Sac and Fox cession, claiming that the Potawatomis had lived in the region for half a century. They warned both Graham and William Clark at St. Louis that they would oppose any survey, and in the spring, when surveyors crossed into the lands between the Illinois and Mississippi rivers, the Potawatomis harassed them, destroying their equipment and threatening their lives . . . .
>
> Faced with the threat of renewed Indian warfare in Illinois, the government resorted to bribery. Federal officials knew that the Potawatomis along the Illinois River needed trade goods, so in the summer of 1816 they invited the Indians to a council at St. Louis . . . .

Complete Written Document

Aug. 24. 1816.

7 Stat., 146.
Proclamation, Dec. 30, 1816.

A treaty of Peace, Friendship, and Limits, made and concluded between Ninian Edwards, William Clark, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of said states, of the one part, and the chiefs and warriors of the united tribes of Ottawas, Chipawas, and Pottowotomees, residing on the Illinois and Melwakee rivers, and their waters, and on the southwestern parts of Lake Michigan, of the other part.

WHEREAS a serious dispute has for some time past existed between the contracting parties relative to the right to a part of the lands ceded to the United States by the tribes of Sacs and Foxes, on the third day of November, one thousand eight hundred and four, and both parties being desirous of preserving a harmonious and friendly intercourse, and of establishing permanent peace and friendship, have, for the purpose of removing all difficulties, agreed to the following terms:

Cession to the United States.

Proviso.

ART. 1. The said chiefs and warriors, for themselves and the tribes they represent, agree to relinquish, and hereby do relinquish, to the United States, all their right, claim, and title, to all the land contained in the before-mentioned cession of the Sacs and Foxes, which lies south of a due west line from the southern extremity of Lake Michigan to the Mississippi river. And they moreover cede to the United States all the land contained within the following bounds, to wit: beginning on the left bank of the Fox river of Illinois, ten miles above the mouth of said Fox river; thence running so as to cross Sandy creek, ten miles above its mouth; thence, in a direct line, to a point ten miles north of the west end of the Portage, between Chicago creek, which empties into Lake Michigan, and the river Depleines, a fork of the Illinois; thence, in a direct line, to a point on Lake Michigan, ten miles northward of the mouth of Chicago creek; thence, along the lake, to a point ten miles southward of the mouth of the said Chicago creek; thence, in a direct line, to a point on the Kankakee, ten miles above its mouth; thence, with the said Kankakee and the Illinois river, to the mouth of Fox river, and thence to the beginning: *Provided, nevertheless,* That the said tribes shall be permitted to hunt and fish within the limits of the land hereby relinquished and ceded, so long as it may continue to be the property of the United States.

Consideration.

Relinquishment by United States.

Proviso.

ART. 2. In consideration of the aforesaid relinquishment and cession, the United States have this day delivered to said tribes a considerable quantity of merchandise, and do agree to pay them, annually, for the term of twelve years, goods to the value of one thousand dollars, reckoning that value at the first cost of the goods in the city or place in which they shall be purchased, without any charge for transportation; which said goods shall be delivered to the said tribes at some place on the Illinois river, not lower down than Peoria. And the said United States do moreover agree to relinquish to the said tribes all the land contained in the aforesaid cession of the Sacs and Foxes, which lies north of a due west line, from the southern extremity of Lake Michigan to the Mississippi river, except three leagues square at the mouth of the Ouisconsing river, including both banks, and such other tracts, on or near to the Ouisconsing and Mississippi rivers, as the president of the United States may think proper to reserve: *Provided,* That such other tracts shall not in the whole exceed the quantity that would be contained in five leagues square.

Peace and friendship.

ART. 3. The contracting parties, that peace and friendship may be permanent, promise that in all things whatever, they will act with justice and correctness towards each other, and that they will, with perfect good faith, fulfill all the obligations imposed upon them by former treaties.

In witness whereof, the said Ninian Edwards, William Clark, and Auguste Chouteau, commissioners aforesaid, and the chiefs and warriors of the aforesaid tribes, have hereunto subscribed their names and affixed their seals, this twenty-fourth day of August, one thousand eight hundred and sixteen, and of the independence of the United States the forty-first.

Ninian Edwards, [L.S.]
William Clark, [L.S.]
Auguste Chouteau, [L.S.]
Mucketeypokee, or Black Partridge, his x mark, [L.S.]
Sinnowchewone, by his brother Ignatius, his x mark, [L.S.]
Mucketepennese, or Black Bird, his x mark, [L.S.]
Bendegakewa, his x mark, [L.S.]
Pemasaw, or Walker, his x mark, [L.S.]
Ontawa, [L.S.]
Nangesay, alias Stout, his x mark, [L.S.]
Chamblee, his x mark, [L.S.]

Cacake, his x mark, [L.S.]
Shawanoe, his x mark, [L.S.]
Wapunsy, his x mark, [L.S.]
Cunnepepy, his x mark, [L.S.]
Wonesee, his x mark, [L.S.]
Richeikeming, or Lake, his x mark, [L.S.]
Cabenaw, his x mark, [L.S.]
Opaho, his x mark, [L.S.]
Cowwesaut, his x mark, [L.S.]
Chekinaka, his x mark, [L.S.]
Macheweskeaway, his x mark, [L.S.]
Spanquissee, his x mark, [L.S.]
Ignatius, his x mark, [L.S.]
Takaonenee, his x mark, [L.S.]
Ottawonce, his x mark, [L.S.]
Tawwaning, or Trader, his x mark, [L.S.]
Cashshakee, his x mark, [L.S.]
Nigigwash, his x mark, [L.S.]
Sheshebungge, [L.S.]
Mowais, or Little Wolf, his x mark, [L.S.]

Done at St. Louis, in the presence of—

R. Wash, secretary to the commission,
R. Graham, Indian agent for the Territory of Illinois,
Thomas Forsyth, Indian agent,
J. Maul, lieutenant Eighth Regiment of Infantry,
P. Provenchere, interpreter of the commissioners,
Maurice Blondeaux, Indian agent,
John Ruland.

Treaty 5

Author's Introduction. Another "peace and friendship" treaty, this treaty put into writing the Menominee pledge of allegiance to the United States, first proclaimed in 1816 at Michilimackinac. This type of treaty usually included articles calling for peace and forgiveness, the release of prisoners, the tribe's adherence to former and subsequent treaties, and the United States' official protection of the tribe. With no land cession provision, this treaty appeared to be almost a formality if one did not consider the circumstances that surrounded it. The negotiations took place at St. Louis, a location that is so distant from Menominee lands that its choice as a meeting place revealed a lack of concern on the part of the U.S. to treat near the tribe. Consequently, no major tribal leader made the journey. The United States expected the treaty to be binding on all of the Menominees, even though negotiations followed no proper channel of negotiation, in the eyes of the tribe.

Treaty between the United States and the Menominee Nation (1817)

Commentary

Colonel John Bowyer wrote to Governor Lewis Cass on July 22, 1817 about the treaty that was signed, with the following observations: (Ourada, 1973, p. 75)

> . . . the fellows who have signed this treaty have no influence or character with the Indians, and I am confident this treaty has been made without the knowledge of the principal chiefs, and of nine-tenths of the nation knowing or even hearing of the transaction.

Complete Written Document

March 30, 1817.

7 Stat., 153.
Proclamation, Dec. 26, 1817.

A treaty of peace and friendship made and concluded at St. Louis by and between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners on the part and behalf of the United States of America, of the one part, and the undersigned chiefs and warriors, deputed by the Menomenee tribe or nation of Indians, on the part and behalf of their said tribe or nation, of the other part.

THE parties, being desirous of re-establishing peace and friendship between the United States and the said tribe or nation, and of being placed in all things, and in every respect, on the same footing upon which they stood before the late war, have agreed to the following articles:

Injuries, etc., forgiven.

ART. 1. Every injury, or act of hostility, by one or either of the contracting parties, against the other, shall be mutually forgiven and forgot.

Perpetual peace and friendship.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States and all the individuals composing the said Menomenee tribe or nation.

Former cessions and treaties confirmed.

ART. 3. The undersigned chiefs and warriors, on the part and behalf of their said tribe or nation, do, by these presents, confirm to the United States all and every cession of land heretofore made by their tribe or nation to the British, French, or Spanish, government, within the limits of the United States, or their territories; and also, all and every treaty, contract, and agreement, heretofore concluded between the said United States and the said tribe or nation.

Prisoners to be delivered up.

ART. 4. The contracting parties do hereby agree, promise, and oblige themselves, reciprocally, to deliver up all prisoners now in their hands (by what means soever the same may have come into their possession,) to the officer commanding at Prairie du Chien, to be by him restored to the respective parties hereto, as soon as it may be practicable.

Protection of United States acknowledged.

ART. 5. The undersigned chiefs and warriers as aforesaid, for themselves and those they represent, do hereby acknowledge themselves to be under the protection of the United States, and of no other nation, power, or sovereign, whatsoever.

In witness whereof, the commissioners aforesaid, and the undersigned chiefs and warriors, as aforesaid, have hereunto subscribed their names and affixed their seals, this thirtieth day of March, in the year of our Lord one thousand eight hundred and seventeen, and of the independence of the United States the forty-first.

William Clark, [L.S.]
Ninian Edwards, [L.S.]
Auguste Chouteau, [L.S.]
Towanapee, Roaring Thunder, his x mark, [L.S.]
Weekay, the Calumet Eagle, his x mark, [L.S.]
Muequomota, the Fat of the Bear, his x mark, [L.S.]
Wacaquon, or Shomin, his x mark, [L.S.]
Warbano, the Dawn, his x mark, [L.S.]
Inemikee, Thunderer, his x mark, [L.S.]
Lebarnaco, the Bear, his x mark, [L.S.]
Karkundego, his x mark, [L.S.]
Shashamanee, the Elk, his x mark, [L.S.]
Penoname, the Running Wolf, his x mark, [L.S.]

Done at St. Louis, in the presence of—

R. Wash, secretary to the commissioners,
R. Graham, U.S. Indian agent for Illinois Territory,
T. Harrison,
Nimrod H. Moore,
S. Gantt, lieutenant U.S. Army,
C.M. Price,
Richard T. McKenney,
Amos Kibbe,
Nathaniel Mills,
Samuel Solomon.

Treaty 6

Author's Introduction. In the 1820s, the New York Indians (the Six Nations, the St. Regis, the Stockbridges, and the Munsees) were being forced off their lands and out of the state by land companies that desired to develop the territory. Agents for the government suggested that these Indians approach the Menominees and the Winnebagos (now known as the Ho-Chunks) in Wisconsin to see if they would be willing to sell a portion of their lands to them. This 1821 Treaty of Green Bay is the result of the intertribal negotiations.

This treaty is unusual in many ways. It is not a treaty between an Indian nation and the United States, like other treaties in this guide, but a treaty between Indian nations. It is a land cession treaty; but again, it is between Indian nations—the United States simply approved the cession. The government did not gain title to any Indian lands.

There was considerable controversy surrounding this treaty. The two Wisconsin tribes which ceded lands, the Menominees and the Winnebagos, soon questioned the boundaries of cession to the New York Indians. In fact, the Menominees and the Winnebagos later claimed that they had simply given the New York Indians permission to live on these lands. As this miscommunication shows, relying on language interpreters resulted in misunderstandings between both the tribes and the U.S. government and also among the tribes themselves. In this case, it may have been due to the fact that the Winnebago language is from a different linguistic family than the Menominee. (See fundamental 3 for more information about intertribal diversity.) It was not until the 1830s that these tribes finally agreed upon these boundaries, and then only after several other treaties took place. Despite the controversies that surrounded the treaty, the New York Indian tribes that signed the treaty soon moved into Wisconsin.

Treaty of Green Bay between the Menominee and Winnebago Nations and the Brothertown, Munsee, Oneida, Stockbridge, and Other New York Indian Nations (1821)

Oratory

The following was spoken by a chief of the Menominee at the negotiation of the treaty of 1827 between the United States and the Chippewa, Menominee, and Winnebago Indians. (*Documents Relating to . . . 1801-1869*, Roll 1)

> My father.
>
> From the time that the stranger Indians first came here we have no knowledge of having ever ceded a part of our country to them. When I heard of their arrival, I sent my brother to them to say that we could not sell any part of our land, because it was so small. I did not go myself. I was sick.

Complete Written Document

Articles of a Treaty made and concluded at Green Bay in the Territory of Michigan, between Tahyentaneken, alias John Antony, Tahnonsengotha, alias John Skenande, Onongwatge, alias Cornelius Beardo, Sganawaty, alias Thomas Christian, of the Oneida nation; Yawentanawen, alias Abraham C. Lafort, of the Onendaga nation; Dagaoyoteh, alias Jacob Jameson, Hanasaengwus, alias George Jameson, of the Seneca nation; deputies authorized and empowered to represent an association of the Six Nations or tribes of Indians of the State of New York. Eleazor Williams, alias Onwasenhüaki, a deputy authorized and empowered to represent the St. Regis Indians of the State of New York; Uhhaunnowunmui Solomon U. Hendrick, Wausaunah, alias Jacob Kunkapot, Wenowommaug, alias Abner

Hendrick, Chicksokun, alias Jacob Chicks, Nawkawate, alias Robert Kunkapot, deputies authorized and empowered to represent the Stockbridge nation or tribe of Indians of the State of New York; Rufus Turkey, alias Kata-kosukent, a deputy authorized and empowered to represent the Munsee nation or tribe of Indians; and the Chiefs and head Men of the Menomini and Winnebago nations of Indians, residing in the vicinity of Green Bay aforesaid, this Eighteenth day of August, in the year one thousand eight hundred and Twenty one.

Article First. The Menomini and Winnebago nations of Indians, in consideration of the stipulations herein made on the part of the Six Nations, and the St. Regis, Stockbridge and Munsee nations, To hereby Cede, Release and Quit claim, to the people of the said Six Nations, and the said St. Regis, Stockbridge and Munsee nations forever: all the rights, title interest and claim of the Menomini and Winnebago nations of Indians, to the Lands comprehended within, and described by the following boundaries, viz: Beginning at the foot of the rapids on the Fox River, usually called the Grand Kaccalin; thence up the said River to the rapids at the Winnebago Lake; and from the river extending back, in this width on each side, to the North West and to the South East, equidistant with the Lands claimed by the said Menomini and Winnebago Nations of Indians.

Article Second: The Six Nations and the St. Regis, Stockbridge, and Munsee nations of Indians, do promise and agree, to and with the Menomini and Winnebago nations of Indians, that they, the Menominies and Winnebagoes shall reserve to themselves the right to occupy a necessary proportion of the Lands hereby ceded, for the purpose of hunting, and also the right of fishing, provided nevertheless that they, the Menominies and Winnebagoes shall commit no waste or depredation on such lands as may be under improvement by either of the said Six Nations, St. Regis, Stockbridge or Munsee Nations.

Article Third: In consideration of the Cession aforesaid, the Six Nations and the St. Regis, Stockbridge and Munsee Nations aforesaid do agree to pay the Menomini and Winnebago Nations aforesaid, within one year of this date, the sum of Fifteen Hundred Dollars in Goods; and they have also paid to the said Winnebago and Menomini Nations this day, the sum of Five hundred Dollars, the receipt of which is hereby acknowledged by the said Menomini and Winnebago Nations.

In Testimony Whereof, the said deputies and the said Chiefs and head Men have hereonto set their hands and Seals, at the place and on the day and year above written.

Treaty of Green Bay 1821
Signed Sealed and Delivered
Influence of
The Words "Foot of the" interlined
in the first article, and the words,
"Cultivation and" erased before signing

W[illegible],
Col., 3rd Regt. Inf.,
Wm. Whister,
Capt., 3rd Rgt Inf.,
Z. Ray Bry,
M. Garlau W. Taft,
J. Farwan Sr.,

Winnebago Chiefs
Serachow, his x mark,
or the Smoker,
Shonkapau, his x mark,
or Dogs Head,
Ochopkay, his x mark,
or Four Legs,

Deputies
Tahyenlanekeu, his x mark,
alias John Antony,
Tahnonsongotha, his x
mark, alias John
Skenando,

M. Irwin, U.S. Factor,
Jm. W. Johnson, U.S. Factor,
Lewis Stouse,
[illegible] Russell, Lieut., U.S. Army,
Chas. Trowbridge, agent for the Deputation.

Kaxniance, his x mark, or The Elk,
Honpenonick, his x mark, or Day Walker,
Skonkshouksup, his x mark, or Black Wolf,
Cheaukoo, his x mark, or Crooked Tail,
Chaesepk, his x mark, or Black Deer,
Kauhawk, his x mark, or The Dove,

Menomini Chiefs
Eskenanin, his x mark, or The Young Man,
Asakulan, his x mark, or Pine Shooter, in the place of Toma's son Josette,
Weekan, his x mark,
Muckooneta, his x mark, or Bear Fat,
The Spanian, his x mark,
Kishcunakum, his x mark,

Ononguatgo, his x mark, alias Cornelius Bead,
Sqananuaty, Thomas Christian,
Yaweulanawen, his x mark, alias Abraham F. Safoit,
Dagoyth, alias Jacob Jameson,
Hanaiaongeius, his x mark, alias George Jameson,
Blazer Williams, alias Onwarenhuwhi,
Soloman U. Um[illegible], alias Uha[illegible],
Jacob Kunkaport, alias Wausawnauk,
Almer Hendrick[s], his x mark, alias W[illegible],
Jacob Chicks, his x mark, alias Chieksokun,
Naukauwaut, his x mark, alias Robert Kunkaport,
Rufus Fulley, his x mark, alias Rat[illegible]

The within arrangement entered into between the Six Nations, the St. Regis, Stockbridge and Munsee Nations of the one part, and the Menominies and Winnebagoes of the other, is approved; with the express understanding that, the lands thereby conveyed to the Six Nations, the St. Regis, Stockbridge and Munsee Nations are to be held by them, in the same manner, as they were previously held by the Menominies and Winnebagoes.

February 19th AD 1822 James Monroe

Received Green Bay twelfth on the one thousand eight hundred and twenty two of the Stockbridge Deputies, nine hundred dollars of the Oneida deputies, four hundred dollars and of the Tuskanan Deputy two hundred dollars all in goods agreeable to the stipulation of the third article of the within treaty.

Winnebago Chiefs
Serachou, or the Smoker, his x mark,
Kaxniance, his x mark, or the Elk,
Shonkapau, his x mark, or Dog head,
Ochopkay, his x mark, or Four Legs,
Skonkshouksup, his x mark, or Black Wolf,
Aupommone, his x mark, or the Brave,

In presence of
J. Sergeant Jacobs, [illegible] of Attny Clark,
Wm. Quinny, Capt., 3rd Regt. Inf.,
W.J. Taft,
S. Matson, Major, U.S. Army,
Richard Pruchett,

Menomini Chiefs
Oh gunn mon ne kau, his x mark, or the Great Wave,
The [illegible]niaro, his x mark,
Auskutan, his x mark, or Pine Shooter,
Shakanpomnie, his x mark, or Scare all,
Shauwonnim, his x mark, or Yellow Dog

Treaty 7

Author's Introduction. In the 1820s, there was an increase in Euro-American pressure for Wisconsin Indian lands. Euro-Americans flocked to southwest Wisconsin to take advantage of the rich lead deposits there. In increasing numbers, settlers arrived in other parts of Wisconsin to till the rich soil and to harvest the dense pine forests. One result of this increased non-Indian presence in Wisconsin was the escalation of conflicts as non-Indians trespassed on Indian lands. There were also conflicts between Indian nations, as non-Indian presence put pressure on the food supply, and forced Indians to range far and wide for subsistence, sometimes into another tribe's hunting grounds.

Obviously a problem existed for U.S. treaty negotiators that was going to grow in scope. One solution was to seek land cessions from the Indians. It became apparent that this would be difficult to do as quickly as non-Indian land use demanded. Not only did the U.S. government not know which Indian tribe owned what land, but there were conflicting Indian claims to several regions in Wisconsin.

The purpose of the Treaty of Prairie du Chien was to determine the boundaries for each tribe. The United States War Department gathered the Indian nations that claimed land in Wisconsin at Prairie du Chien in 1825 in order to negotiate specific boundaries for each one. It was hoped that by doing this, everyone, both Indian and non-Indian, would know the claims of all the tribes and that it would thereafter be easier for the United States to handle negotiations for land cession treaties.

After lengthy negotiations, the tribes and the U.S. government carefully delineated most boundary lines using natural landmarks. Most claims were adjusted during the treaty negotiations, but the Menominees and the Winnebagos (now known as the Ho-Chunks) could not reach a complete understanding. They did agree to meet again in 1827 to work out their borders.

The treaty in many ways simplified future treaty negotiations for the United States. Now there was, at least from the government's perspective, a clearly defined area for each tribe that could be called "Winnebago land" or "Chippewa land." The government now knew which tribe to negotiate with for cessions of land in Wisconsin and would no longer face the prospect of having to buy the same land twice from different tribes. In the twentieth century, these boundary lines played an important role in cases before the Indian Claims Commission as Indian tribes sought redress for grievances against the United States.

Treaty of Prairie du Chien between the United States and the Sioux, Chippewa, Sac and Fox, Menominee, Winnebago, a Portion of the United Tribes of Ottawas, Chippewas, and Potawatomis, and Other Tribes (1825)

Oratory

The following speech by the Wahpeton Chief Little, the principal Dakota chief, is representative of most of the speeches made at Prairie du Chien in 1825. (Diedrich, 1989, p. 25)

> My fathers, I am very much pleased that you are entering on so good a work, and at the advice you have given to our brethren. All our bad thoughts are burned with the ashes of the pipe.
>
> We come here to speak the truth—we must tell the truth before God [probably the interpreter's translation of a reference to the Great Spirit, or Wakan Tanka] and our fathers . . . .
>
> I am of the prairie. I claim the land up the River Corbeau to its source, and from there to Otter Tail Lake. I can yet show the marks of my lodges there, and they will remain as long as the world lasts.

Complete Written Document

Aug. 19, 1825.

7 Stat., 272.
Proclamation, Feb. 6, 1826.

Treaty with the Sioux and Chippewa, Sacs and Fox, Menominie, Ioway, Sioux, Winnebago, and a portion of the Ottawa, Chippewa, and Potawattomie, Tribes.

THE United States of America have seen with much regret, that wars have for many years been carried on between the Sioux and the Chippewas, and more recently between the confederated tribes of Sacs and Foxes, and the Sioux; and also between the Ioways and Sioux; which, if not terminated, may extend to the other tribes, and involve the Indians upon the Missouri, the Mississippi, and the Lakes, in general hostilities. In order, therefore, to promote peace among these tribes, and to establish boundaries among them and the other tribes who live in their vicinity, and thereby to remove all causes of future difficulty, the United States have invited the Chippewa, Sac, and Fox, Menominie, Ioway, Sioux, Winnebago, and a portion of the Ottowa, Chippewa and Potawatomie Tribes of Indians living upon the Illinois, to assemble together, and in a spirit of mutual conciliation to accomplish these objects; and to aid therein, have appointed William Clark and Lewis Cass, Commissioners on their part, who have met the Chiefs, Warriors, and Representatives of the said tribes, and portion of tribes, at Prairie des Chiens, in the Territory of Michigan, and after full deliberation, the said tribes, and portions of tribes, have agreed with the United States, and with one another, upon the following articles.

ARTICLE 1.

Firm and perpetual peace.

There shall be a firm and perpetual peace between the Sioux and Chippewas; between the Sioux and the confederated tribes of Sacs and Foxes; and between the Ioways and the Sioux.

ARTICLE 2.

Line between the respective countries.

It is agreed between the confederated Tribes of the Sacs and Foxes, and the Sioux, that the Line between their respective countries shall be as follows: Commencing at the mouth of the Upper Ioway River, on the west bank of the Mississippi, and ascending the said Ioway river, to its left fork; thence up that fork to its source; thence crossing the fork of Red Cedar River, in a direct line to the second or upper fork of the Desmoines river; and thence in a direct line to the lower fork of the Calumet river; and down that river to its juncture with the Missouri river. But the Yancton band of the Sioux tribe, being principally interested in the establishment of the line from the Forks of the Desmoines to the Missouri, and not being sufficiently represented to render the definitive establishment of that line proper, it is expressly declared that the line from the forks of the Desmoines to the forks of the Calumet river, and down that river to the Missouri, is not to be considered as settled until the assent of the Yancton band shall be given thereto. And if the said band should refuse their assent, the arrangement of that portion of the boundary line shall be void, and the rights of the parties to the country bounded thereby, shall be the same as if no provision had been made for the extension of the line west of the forks of the Desmoines. And the Sacs and Foxes relinquish to the tribes interested therein, all their claim to land on the east side of the Mississippi river.

Relinquishment of Sacs and Foxes.

ARTICLE 3.

The Ioways accede to the arrangement between the Sacs and Foxes, and the Sioux; but it is agreed between the Ioways and the confederated tribes of the Sacs and Foxes, that the Ioways have a just claim to a portion of the country between the boundary line described in the next preceding article, and the Missouri and Mississippi; and that the said Ioways, and Sacs and Foxes, shall peaceably occupy the same, until some satisfactory arrangement can be made between them for a division of their respective claims to country.

Iowas accede to the arrangement.

ARTICLE 4.

The Ottoes not being represented at this Council, and the Commissioners for the United States being anxious that justice should be done to all parties, and having reason to believe that the Ottoes have a just claim to a portion of the country upon the Missouri, east and south of the boundary line dividing the Sacs and Foxes and the Ioways, from the Sioux, it is agreed between the parties interested therein, and the United States, that the claim of the Ottoes shall not be affected by any thing herein contained; but the same shall remain as valid as if this treaty had not been formed.

Claim of the Ottoes not to be affected by this treaty.

ARTICLE 5.

It is agreed between the Sioux and the Chippewas, that the line dividing their respective countries shall commence at the Chippewa River, half a day's march below the falls; and from thence it shall run to Red Cedar River, immediately below the falls; from thence to the St. Croix River, which it strikes at a place called the standing cedar, about a day's paddle in a canoe, above the Lake at the mouth of that river; thence passing between two lakes called by the Chippewas "Green Lakes," and by the Sioux "the lakes they bury the Eagles in," and from thence to the standing cedar that "the Sioux Split;" thence to Rum River, crossing it at the mouth of a small creek called choaking creek, a long day's march from the Mississippi; thence to a point of woods that projects into the prairie, half a day's march from the Mississippi; thence in a straight line to the mouth of the first river which enters the Mississippi on its west side above the mouth of Sac river; thence ascending the said river (above the mouth of Sac river) to a small lake at its source; thence in a direct line to a lake at the head of Prairie river, which is supposed to enter the Crow Wing river on its South side; thence to Otter-tail lake Portage; thence to said Otter-tail lake, and down through the middle thereof, to its outlet; thence in a direct line, so as to strike Buffalo river, half way from its source to its mouth, and down the said river to Red River; thence descending Red river to the mouth of Outard or Goose creek: The eastern boundary of the Sioux commences opposite the mouth of Ioway river, on the Mississippi, runs back two or three miles to the bluffs, follows the bluffs, crossing Bad axe river, to the mouth of Black river, and from Black river to half a day's march below the Falls of the Chippewa River.

Agreement between the Sioux and Chippewas.

ARTICLE 6.

It is agreed between the Chippewas and Winnebagoes, so far as they are mutually interested therein, that the southern boundary line of the Chippewa country shall commence on the Chippewa river aforesaid, half a

Agreement between the Chippewas and the Winnebagoes.

day's march below the falls on that river, and run thence to the source of Clear Water river, a branch of the Chippewa; thence south to Black river; thence to a point where the woods project into the meadows, and thence to the Plover Portage of the Ouisconsin.

ARTICLE 7.

Agreement between the Winnebagoes and the Sioux, etc.

It is agreed between the Winnebagoes and the Sioux, Sacs and Foxes, Chippewas and Ottawas, Chippewas and Potawatomies of the Illinois, that the Winnebago country shall be bounded as follows: south easterly by Rock River, from its source near the Winnebago lake, to the Winnebago village, about forty miles above its mouth; westerly by the east line of the tract, lying upon the Mississippi, herein secured to the Ottawa, Chippewa and Potawatomie Indians, of the Illinois; and also by the high bluff, described in the Sioux boundary, and running north to Black river: from this point the Winnebagoes claim up Black river, to a point due west from the source of the left fork of the Ouisconsin; thence to the source of the said fork, and down the same to the Ouisconsin; thence down the Ouisconsin to the portage, and across the portage to Fox river; thence down Fox river to the Winnebago lake, and to the grand Kan Kanlin, including in their claim the whole of Winnebago lake; but, for the causes stated in the next article, this line from Black river must for the present be left indeterminate.

ARTICLE 8.

Agreement between the Menominees and the Sioux, etc.

The representatives of the Menominies not being sufficiently acquainted with their proper boundaries, to settle the same definitively, and some uncertainty existing in consequence of the cession made by that tribe upon Fox River and Green Bay, to the New York Indians, it is agreed between the said Menominie tribe, and the Sioux, Chippewas, Winnebagoes, Ottawa, Chippewa and Potawatomie Indians of the Illinois, that the claim of the Menominies to any portion of the land within the boundaries allotted to either of the said tribes, shall not be barred by any stipulation herein; but the same shall remain as valid as if this treaty had not been concluded. It is, however, understood that the general claim of the Menominies is bounded on the north by the Chippewa country, on the east by Green Bay and lake Michigan extending as far south as Millawaukee river, and on the West they claim to Black River.

ARTICLE 9.

Boundary of the Ottawas, Chippewas, and Potawatomies.

The country secured to the Ottawa, Chippewa, and Potawatomie tribes of the Illinois, is bounded as follows: Beginning at the Winnebago village, on Rock river, forty miles from its mouth and running thence down the Rock river to a line which runs from Lake Michigan to the Mississippi, and with that line to the Mississippi, opposite to Rock Island; thence up that river to the United States reservation, at the mouth of the Ouisconsin; thence with the south and east lines of the said reservation to the Ouisconsin; thence, southerly, passing the heads of the small streams emptying into the Mississippi, to the Rock river at the Winnebago village. The Illinois Indians have also a just claim to a portion of the country bounded south by the Indian boundary line aforesaid, running from the southern extreme of lake Michigan, east by lake Michigan, north by the Menominie country, and northwest by Rock river. This claim is recognized in the treaty concluded with the said Illinois tribes at St. Louis, August 24, 1816, but as the Millewakee and

Manetoowalk bands are not represented at this Council, it cannot be now definitively adjusted.

ARTICLE 10.

Said tribes acknowledge the supremacy of the United States.

All the tribes aforesaid acknowledge the general controlling power of the United States, and disclaim all dependence upon, and connection with, any other power. And the United States agree to, and recognize, the preceding boundaries, subject to the limitations and restrictions before provided. It being, however, well understood that the reservations at Fever River, at the Ouisconsin, and St. Peters, and the ancient settlements at Prairie des Chiens and Green Bay, and the land property thereto belonging, and the reservations made upon the Mississippi, for the use of the half breeds, in the treaty concluded with the Sacs and Foxes, August 24, 1824, are not claimed by either of the said tribes.

ARTICLE 11.

A council to be held in 1826.

The United States agree, whenever the President may think it necessary and proper, to convene such of the tribes, either separately or together, as are interested in the lines left unsettled herein, and to recommend to them an amicable and final adjustment of their respective claims, so that the work, now happily begun, may be consummated. It is agreed, however, that a Council shall be held with the Yancton band of the Sioux, during the year 1826, to explain to them the stipulations of this treaty, and to procure their assent thereto, should they be disposed to give it, and also with the Ottoes, to settle and adjust their title to any of the country claimed by the Sacs, Foxes, and Ioways.

ARTICLE 12.

An assembly of the Chippewas to be convened.

The Chippewa tribe being dispersed over a great extent of country, and the Chiefs of that tribe having requested, that such portion of them as may be thought proper, by the Government of the United States, may be assembled in 1826, upon some part of Lake Superior, that the objects and advantages of this treaty may be fully explained to them, so that the stipulations thereof may be observed by the warriors. The Commissioners of the United States assent thereto, and it is therefore agreed that a council shall accordingly be held for these purposes.

ARTICLE 13.

No tribe to hunt within the acknowledged limits of any other without their assent.

It is understood by all the tribes, parties hereto, that no tribe shall hunt within the acknowledged limits of any other without their assent, but it being the sole object of this arrangement to perpetuate a peace among them, and amicable relations being now restored, the Chiefs of all the tribes have expressed a determination, cheerfully to allow a reciprocal right of hunting on the lands of one another, permission being first asked and obtained, as before provided for.

ARTICLE 14.

In case of difficulty between the tribes.

Should any causes of difficulty hereafter unhappily arise between any of the tribes, parties hereunto, it is agreed that the other tribes shall interpose their good offices to remove such difficulties; and also that the government of the United States may take such measures as they may deem proper, to effect the same object.

ARTICLE 15.

When to take effect.

This treaty shall be obligatory on the tribes, parties hereto, from and after the date hereof, and on the United States, from and after its ratification by the government thereof.

Done, and signed, and sealed, at Prairie des Chiens, in the territory of Michigan, this nineteenth day of August, one thousand eight hundred and twenty-five, and of the independence of the United States the fiftieth.

William Clark, [L.S.]
Lewis Cass, [L.S.]
Sioux:
Wa-ba-sha, x or the leaf, [L.S.]
Pe-tet-te x Corbeau, little crow, [L.S.]
The Little x of the Wappitong tribe, [L.S.]
Tartunka-nasiah x Sussitong, [L.S.]
Sleepy Eyes, x Sossitong, [L.S.]
Two faces x do [L.S.]
French Crow x Wappacoota, [L.S.]
Kee-jee x do [L.S.]
Tar-Se-ga x do [L.S.]
Wa-ma-de-tun-ka x black dog, [L.S.]
Wan-na-ta x Yancton, or he that charges on his enemies, [L.S.]
Red Wing x [L.S.]
Ko-ko-ma-ko x [L.S.]
Sha-co-pe x the Sixth, [L.S.]
Pe-ni-si-on x [L.S.]
Eta-see-pa x Wabasha's band, [L.S.]
Wa-ka-u-hee, x Sioux band, rising thunder, [L.S.]
The Little Crow, x Sussetong, [L.S.]
Po-e-ha-pa x Me-da-we-con-tong, or eagle head, [L.S.]
Ta-ke-wa-pa x Wappitong, or medicine blanket, [L.S.]
Tench-ze-part, x his bow, [L.S.]
Masc-pu-lo-chas-tosh, x the white man, [L.S.]
Te-te-kar-munch, x the buffaloman, [L.S.]
Wa-sa-o-ta x Sussetong, or a great of hail, [L.S.]
Oeyah-ko-ca, x the crackling tract, [L.S.]
Mak-to-wah-ke-ark, x the bear, [L.S.]
Winnebagoes:
Les quatres jambes, x [L.S.]
Carimine, x the turtle that walks, [L.S.]
De-ca-ri, x [L.S.]
Wan-ca-ha-ga, x or snake's skin, [L.S.]
Sa-Sa-ma-ni, x [L.S.]
Wa-non-che-qua, x the merchant, [L.S.]
Chon-que-pa, x or dog's head, [L.S.]
Cha-rat-chon, x the smoker, [L.S.]
Ca-ri-ca-si-ca, x he that kills the crow, [L.S.]
Watch-kat-o-que, x the grand canoe, [L.S.]
Ho-wa-mick-a, x the little elk, [L.S.]
Menominees:
Ma-can-me-ta, x medicine bear, [L.S.]
Chau-wee-nou-mi-tai, x medicine south wind, [L.S.]
Char-o-nee, x [L.S.]
Ma-wesh-a, x the little wolf, [L.S.]
A-ya-pas-mis-ai, x the thunder that turns, [L.S.]
Cha-ne-pau, x the riband, [L.S.]
La-me-quon, x the spoon, [L.S.]
En-im-e-tas, x the barking wolf, [L.S.]
Pape-at, x the one just arrived, [L.S.]
O-que-men-ce, x the little chief, [L.S.]
Chippewas:
Shinguaba x W'Ossin, 1st chief of the Chippewa nation, Saulte St. Marie, [L.S.]
Gitspee x Jiauba, 2d chief, [L.S.]
Gitspee x Waskee, or le boeuf of la pointe lake Superior, [L.S.]
Nain-a-boozhu, x of la pointe lake Superior, [L.S.]
Monga, x Zid or loon's foot of Fond du Lac, [L.S.]
Weescoup, x or sucre of Fond du Lac, [L.S.]
Mush-Koas, x or the elk of Fond du Lac, [L.S.]
Nau-bun x Aqeezhik, of Fond du Lac, [L.S.]
Kau-ta-waubeta, x or broken tooth of Sandy lake, [L.S.]
Pugisaingegen, x or broken arm of Sandy lake, [L.S.]
Kwee-weezaishish, x or gross guelle of Sandy lake, [L.S.]
Ba-ba-see-kundade, x or curling hair of Sandy lake, [L.S.]
Paashineep, x or man shooting at the mark of Sandy lake, [L.S.]
Pu-ga-a-gik, x the little beef, Leech lake, [L.S.]
Pee-see-ker, x or buffalo, St. Croix band, [L.S.]
Nau-din, x or the wind, St. Croix band, [L.S.]
Nau-quan-a-bee, x of Mille lac, [L.S.]
Tu-kau-bis-hoo, x or crouching lynx of Lac Courte Oreille, [L.S.]
The Red Devil, x of Lac Courte Oreille, [L.S.]
The Track, x of Lac Courte Oreille, [L.S.]
Ne-bo-na-bee, x the mermaid Lac Courte Oreille, [L.S.]
Pi-a-gick, x the single man St. Croix, [L.S.]
Pu-in-a-ne-gi, x, or the hole in the day, Sandy lake, [L.S.]

Moose-o-mon-e, x plenty of elk, St. Croix band, [L.S.]
Nees-o-pe-na, x or two birds of Upper Red Cedar lake, [L.S.]
Shaata, x the pelican of Leech lake, [L.S.]
Che-on-o-quet, x the great cloud of Leech lake, [L.S.]
I-au-ben-see, x the little buck of Red lake, [L.S.]
Kia-wa-tas, x the tarrier of Leech lake, [L.S.]
Mau-ge-ga-bo, x the leader of Leech lake, [L.S.]
Nan-go-tuck, x the flame of Leech lake, [L.S.]
Nee-si-day-sish, x the sky of Red lake, [L.S.]
Pee-chan-a-nim, x striped feather of Sandy lake, [L.S.]
White Devil, x of Leech lake, [L.S.]
Ka-ha-ka, x the sparrow, Lac Courte Oreille, [L.S.]
I-au-be-ence, x little buck of Rice lake,
Ca-ba-ma-bee, x the assembly of St. Croix, [L.S.]
Nau-gau-nosh, x the forward man lake Flambeau, [L.S.]
Caw-win-dow, x he that gathers berries of Sandy Lake, [L.S.]
On-que-ess, the mink, lake Superior, [L.S.]
Ke-we-ta-ke-pe, x all round the sky, [L.S.]
The-sees, x [L.S.]

Ottawas:

Chaboner, x or Chambly, [L.S.]
Shaw-fau-wick, x the mink, [L.S.]

Potawatomies:

Ignace, x [L.S.]
Ke-o-kuk, x [L.S.]
Che-chan-quose, x the little crane, [L.S.]
Taw-wa-na-nee, x the trader, [L.S.]

Sacs:

Na-o-tuk, x the stabbing chief, [L.S.]
Pish-ken-au-nee, x all fish, [L.S.]
Po-ko-nau-qua, x or broken arm, [L.S.]
Wau-kau-che, x eagle nose, [L.S.]
Quash-kaume, x jumping fish, [L.S.]
Ochaach, x the fisher, [L.S.]
Ke-o-kuck, x the watchful fox, [L.S.]
Skin-gwin-ee-see, the x ratler, [L.S.]
Was-ar-wis-ke-no, x the yellow bird, [L.S.]
Pau-ko-tuk, x the open sky, [L.S.]
Au-kaak-wan-e-suk, x he that vaults on the earth, [L.S.]
Mu-ku-taak-wan-wet, x [L.S.]
Mis-ke-bee, x the standing hair, [L.S.]

Foxes:

Wan-ba-law, x the playing fox, [L.S.]
Ti-a-mah, x the bear that makes the rocks shake, [L.S.]
Pee-ar-maski, x the jumping sturgeon, [L.S.]
Shagwa-na-tekwishu, x the thunder that is heard all over the world, [L.S.]
Mis-o-win, x moose deer horn, [L.S.]
No-ko-wot, x the down of the fur, [L.S.]
Nau-sa-wa-quot, x the bear that sleeps on the forks, [L.S.]
Shin-quin-is, x the ratler, [L.S.]
O-lo-pee-aau, x or Mache-paho-ta, the bear, [L.S.]
Keesis, x the sun, [L.S.]
No-wank, x he that gives too little, [L.S.]
Kan-ka-mote, x [L.S.]
Neek-waa, x [L.S.]
Ka-tuck-e-kan-ka, x the fox with a spotted breast, [L.S.]
Mock-to-back-sa-gum, x black tobacco, [L.S.]
Wes-kesa, x the bear family, [L.S.]

Ioways:

Ma-hos-ka, x the white cloud, [L.S.]
Pumpkin, x [L.S.]
Wa-ca-nee, x the painted medicine, [L.S.]
Tar-no-mun, x a great many deer, [L.S.]
Wa-hoo-ga, x the owl, [L.S.]
Ta-ca-mo-nee, x the lightning, [L.S.]
Wa-push-a, x the man killer, [L.S.]
To-nup-he-non-e, x the flea, [L.S.]
Mon-da-tonga, x [L.S.]
Cho-wa-row-a, x [L.S.]

Witnesses:

Thomas Biddle, secretary,
R.A. McCabe, Captain Fifth Infantry,
R.A. Forsyth,
N. Boilvin, United States Indian agent,
C.C. Trowbridge, sub Indian agent,
Henry R. Schoolcraft, United States Indian agent,
B.F. Harney, Surgeon U.S. Army,
W.B. Alexander, sub Indian agent,
Thomas Forsyth, agent Indian affairs,
Marvien Blondau,
David Bailey,
James M'Ilvaine, lieutenant U.S. Army,
Law. Taliaferro, Indian agent for Upper Mississippi,
John Holiday,
William Dickson,
S. Campbell, United States interpreter,
J.A. Lewis,
William Holiday,
Dunable Denejlevy,
Bela Chapman.

Treaty 8

Author's Introduction. In many ways, this treaty, known simply as the Treaty of Butte des Mortes (Hill of the Dead), is a continuation of the 1825 Treaty of Prairie du Chien. This treaty, like the earlier one, focused primarily on tribal boundaries, but also included provisions for educational funds for tribal children. The main negotiations, however, involved boundary lines among the Chippewa, Menominee, and Winnebago Nations that had not been settled at Prairie du Chien.

The area in dispute was the land that the New York Indians had obtained in a series of intertribal treaties in the early 1820s. (See treaty 6 for example) The Winnebagos (now known as the Ho-Chunks) disputed these sales, as did some Menominees, and the conflict made determination of these tribes' boundaries with the Chippewas difficult.

The Treaty of Butte des Mortes in 1827 settled most of the disputed claims and left those not settled for the attention of President John Quincy Adams. By agreeing to the negotiated borders, the Winnebagos and Menominees confirmed the sale of lands to the New York Indians, made at Green Bay in 1821.

Like the 1825 treaty, the Treaty of Butte des Mortes provided written boundaries for tribes that historically had shared lands. This made it much easier for the U.S. government when it sought future land cessions from these tribes. The journal of the treaty negotiations also provides a vivid example of how the U.S. government intervened in tribal affairs. To make it easier to negotiate with the Menominees, the government appointed one man, Oshkosh, as chief of the tribe, a move that showed complete disregard for tribal politics and culture. (See fundamental 10)

Treaty of Butte des Mortes between the United States and Chippewa, Menominee, and Winnebago Tribes (1827)

Oratory

The words of three tribal representatives are excerpted here, showing the different perspectives of the Wisconsin and New York tribes that were in conflict over boundaries. (*Documents Relating to . . . 1801-1869*, Roll 2)

> The Menomonie Chief addressed them.
>
> Father.
>
> . . . They [the New York Indians] told us on their arrival that they had not come here for land—that they had enough in their own country—that they had come only to take us by the hand. We understood their object to be, not to purchase land, but to procure the grant of a small piece to sit down upon, that they might live with us like brothers. We never comprehended either that they wished, or that they had, purchased any part of our territory. This is the absolute truth . . . .
>
> Four Legs [a Winnebago] spoke.
>
> My Father.
>
> . . . They [the New York Indians] said, 'Our Brothers! It was at the request of our Great Father that we have come here to meet you. We are here on your land. Our Brothers! Winebagoes. Menomonies! We are poor. We ask you to take pity on us. We are not masters of our own land, neither of the waters within it nor of the trees upon it. We ask of you therefore, the charity to let us sit down upon your land here . . . .'
>
> It was not a sale, nor a gift, but it was a loan. We had too little ourselves to be willing to sell it. The New York Indians told us, that we should not regret the loan, nor the charity we had yielded them . . . .
>
> The Seneca Chief Cornelius Baird, then came forward & spoke as follows.
>
> Father.
>
> . . . We came from the East. We had a place there . . . . While we were walking on the sea shore, we discovered you . . . . You began to grow & spread, & the Indians began to

> melt . . . . The time has come when we have not enough to live on & our Great Father has sanctioned our coming here to live with our brothers . . . . On our arrival, the terms of our contract were discussed with our brothers, the Menomonies & Winebagoes . . . . We did not expect then that we should now be charged with doing this in a secret manner . . . .

Complete Written Document

Articles of a treaty made and concluded at the Butte des Morts, on Fox river, in the Territory of Michigan, between Lewis Cass and Thomas L. M'Kenney, Commissioners on the part of the United States, and the Chippewa, Menomonie, and Winebago tribes of Indians.

Aug. 11, 1827.

7 Stat., 303.
Proclamation, Feb. 23, 1829.

Chippewa southern boundary left undefined by treaty of 1825.

ARTICLE 1. Whereas, the southern boundary of the Chippewa country, from the Plover Portage of the Ouisconsin easterly, was left undefined by the treaty concluded at Prairie du Chien, August 19, 1825, in consequence of the non-attendance of some of the principal Menomonie chiefs; and, whereas it was provided by the said treaty, that, whenever the President of the United States might think proper, such of the tribes, parties to the said treaty, as might be interested in any particular line, should be convened, in order to agree upon its establishment;

Southern boundary settled.

Therefore, in pursuance of the said provision, it is agreed between the Chippewas, Menomonies and Winebagoes, that the southern boundary of the Chippeway country shall run as follows, namely: From the Plover Portage of the Ouisconsin, on a northeasterly course, to a point on Wolf river, equidistant from the Ashawano and Post lakes of said river, thence to the falls of the Pashaytig river of Green Bay; thence to the junction of the Neesau Kootag or Burnt-wood river, with the Menomonie; thence to the big island of the Shoskinaubic or Smooth rock river; thence following the channel of the said river to Green Bay, which it strikes between the little and the great Bay de Noquet.

Territorial difficulties between certain tribes referred to the President of the United States.

ART. 2. Much difficulty having arisen from negotiations between the Menomonie and Winebago tribes and the various tribes and portions of tribes of Indians of the State of New York, and the claims of the respective parties being much contested, as well with relation to the tenure and boundaries of the two tracts, claimed by the said New York Indians, west of Lake Michigan, as to the authority of the persons who signed the agreement on the part of the Menomonies, and the whole subject having been fully examined at the Council this day concluded, and the allegations, proofs, and statements, of the respective parties having been entered upon the Journal of the Commissioners, so that the same can be decided by the President of the United States; it is agreed by the Menomonies and Winebagoes, that so far as respects their interest in the premises, the whole matter shall be referred to the President of the United States, whose decision shall be final. And the President is authorized, on their parts, to establish such boundaries between them and the New York Indians as he may consider equitable and just.

Indian recognition of United States title to a certain tract of land.

ART. 3. It being important to the settlement of Green Bay that definite boundaries should be established between the tract claimed by the former French and British governments, and the lands of the Indians, as well to avoid future disputes as to settle the question of jurisdiction—It is therefore agreed between the Menomonie tribe and the United States, that the boundaries of the said tracts, the jurisdiction and title of which are hereby acknowledged to be in the United States, shall be as follows, namely:—Beginning on the shore of Green Bay, six miles due north from the parallel of the mouth of

Boundaries thereof.

Proviso.

Proviso.

Fox river, and running thence in a straight line, but with the general course of the said river, and six miles therefrom to the intersection of the continuation of the westerly boundary of the tract at the Grand Kaukaulin, claimed by Augustin Grignion; thence on a line with the said boundary to the same; thence with the same to Fox river; thence on the same course, six miles; thence in a direct line to the southwestern boundary of the tract, marked on the plan of the claims at Green Bay, as the settlement at the bottom of the Bay; thence with the southerly boundary of the said tract to the southeasterly corner thereof; and thence with the easterly boundary of the said tract to Green Bay. Provided, that if the President of the United States should be of opinion that the boundaries thus established interfere with any just claims of the New York Indians, the President may then change the said boundaries in any manner he may think proper, so that the quantity of land contained in the said tract be not greater than by the boundaries herein defined. And provided also, that nothing herein contained shall be construed to have any effect upon the land claims at Green Bay; but the same shall remain as though this treaty had not been formed.

Distribution of goods among the Indians.

ART. 4. In consideration of the liberal establishment of the boundaries as herein provided for, the Commissioners of the United States have this day caused to be distributed among the Indians, goods to the amount of fifteen thousand six hundred and eighty-two dollars, payment for which shall be made by the United States.

Annual appropriation for education of Indians.

ART. 5. The sum of one thousand dollars shall be annually appropriated for the term of three years; and the sum of fifteen hundred dollars shall be annually thereafter appropriated as long as Congress think proper, for the education of the children of the tribes, parties hereto, and of the New York Indians, to be expended under the direction of the President of the United States.

Right of United States to punish certain Winnebagoes.

ART. 6. The United States shall be at liberty, notwithstanding the Winebagoes are parties to this treaty, to pursue such measures as they may think proper for the punishment of the perpetrators of the recent outrages at Prairie du Chien, and upon the Mississippi, and for the prevention of such acts hereafter.

Treaty to be obligatory when ratified.

ART. 7. This treaty shall be obligatory after its ratification by the President and Senate of the United States.

Done at the Butte des Morts, on Fox river, in the Territory of Michigan, this eleventh day of August, 1827.

Lewis Cass,
Thomas L. McKenney.
Chippeways:
Shinguaba Wossin, his x mark,
Wayishkee, his x mark,
Sheewanbeketoan, his x mark,
Mozobodo, his x mark,
Gitshee Waubezhaas, his x mark,
Moazoninee, his x mark,
Mishaukewett, his x mark,
Monominee Cashee, his x mark,
Kominikey, jun. his x mark,
Kimiown, his x mark,
Kominikey, sen. his x mark,
Keshiminey, his x mark,
Woiniss-atte, his x mark,
Powoiysnoit, his x mark,
Menominies:
Manbasseaux, his x mark,
Myanmechetnabewat, his x mark,
Pemabeme, his x mark,
Kegisse, his x mark,
L'Espagnol, his x mark,
Kichiaemtort, his x mark,
Hoo Tshoop, (or four legs,) his x mark,
Tshayro-tshoan Kaw, his x mark,
Karry-Man-nee, (walking turtle,) his x mark,
Attikumaag, his x mark,
Umbwaygeezhig, his x mark,
Moneeto Penaysee, his x mark,
Akkeewaysee, his x mark,
Sheegad, his x mark,
Wauwaunishkau, his x mark,
Anamikee Waba, his x mark,
Ockewazee, his x mark,
Menominies:
Oskashe, his x mark,

Josette Caron, his x mark,
Sau-say-man-nee, his x mark,
Maunk-hay-raith, (tatood breast,) his x mark,
Shoank Skaw, (white dog,) his x mark,
Shoank-tshunksiap, (black wolf,) his x mark,
Kaw-Kaw-say-kaw, his x mark,
Wheank-Kaw, (big duck,) his x mark,
Shoank-ay-paw-kaw, (dog head), his x mark,
Sar-ray-num-nee, (walking mat,) his x mark,
Waunk-tshay-hee-sootsh, (red devil), his x mark.
Wau-kaun-hoa-noa-nick, (little snake,) his x mark,
Kaw-nee-shaw, (white crow,) his x mark.

Witnesses:

Philip B. Key, secretary,
E. Boardman, captain Second U.S. Infantry,
Henry R. Schoolcraft, United States Indian agent,
Henry B. Brevoort, United States Indian agent,
Thomas Rowland,
D.G. Jones,
R.A. Forsyth,
S. Conant,
E.A. Brush,
Jn. Bpt. Fcois Fauvel, clergyman,
Jesse Miner,
Henry Conner, interpreter,
John Kinzie, jun.

[NOTE.—This treaty was ratified with this proviso, contained in the resolution of the Senate: "That the said treaty shall not impair or affect any right or claim which the New York Indians or any of them have to the lands or any of the lands mentioned in the said treaty."]

Treaty 9

Author's Introduction. American treaty negotiators convened these tribes for the purpose of obtaining land cessions, but postponed discussion of such cessions until 1829. The delay occurred because it was late in the season, already late August, and only a small number of Indians came to Green Bay to meet with Michigan Territorial Governor Lewis Cass. Treaty negotiators and the tribes established a provisional boundary among the United States, the Winnebago Indians (now known as the Ho-Chunks), and the "United Tribes" that negotiations in 1829 would finalize. The United States received use of the lead-mine district along the Mississippi River for the year during the negotiations and agreed to pay the Indians for the use of the land at the beginning of the negotiations in 1829. Euro-American settlers had been using the region for years and the treaty recognized the Indians' right to obtain compensation for the usage. Though the negotiators acknowledged that only a few of the Indians attended the Green Bay conference, it did not stop them from assuming that the lead-mine region would be permanently ceded in 1829.

Treaty between the United States and the Winnebago Tribe and the United Tribes of Potawatomi, Chippewa, and Ottawa Indians (1828)

Oratory

White Crow, a Winnebago chief, said the following to the Commissioners: (In Tetzloff, 1991, pp. 49-50)

> You recollect the line we drew at the council of Prairie du Chien [in 1825]. Some of your young men perhaps have not seen it. They come over it, and now they are upon us and are driving us from our camps . . . .
>
> If you had a piece of land and a stranger should take possession of it, would you like it? Would you not expect payment?

Complete Written Document

Aug. 25, 1828.

7 Stat. 315.

Proclamation, Jan. 7, 1829.

Articles of agreement with the Winnebago Tribe and the United Tribes of Potawatamie, Chippewa and Ottawa Indians.

Preamble.

THE Government of the United States having appointed Commissioners to treat with the Sac, Fox, Winebago, Potawatamie, Ottawa, and Chippewa, tribes of Indians, for the purpose of extinguishing their title to land within the State of Illinois, and the Territory of Michigan, situated between the Illinois river and the Lead Mines on Fever River, and in the vicinity of said Lead Mines, and for other purposes; and it having been found impracticable, in consequence of the lateness of the period when the instructions were issued, the extent of the country occupied by the Indians, and their dispersed situation, to convene them in sufficient numbers to justify a cession of land on their part; and the Chiefs of the Winnebago tribe, and of the united tribes of the Potawatamies, Chippewas, and Ottawas, assembled at Green Bay, having declined at this time to make the desired cession, the following temporary arrangement, subject to the ratification of the President and Senate of the United States, has this day been made, between Lewis Cass and Pierre Menard, Commissioners of the United States, and the said Winnebago tribe, and the United tribes of Potawatamie, Chippewa, and Ottawa, Indians, in order to remove the difficulties which have arisen in consequence of the occupation, by white persons, of that part of the mining country which has not been heretofore ceded to the United States.

Provisional boundary between lands of United States and those of the Indians.

ARTICLE 1. It is agreed that the following shall be the provisional boundary between the lands of the United States and those of the said Indians: The Ouisconsin river, from its mouth to its nearest approach to the Blue Mounds; thence southerly, passing east of the said mounds, to the head of that branch of the Pocatolaka creek which runs near the Spotted Arm's village; thence with the said branch to the main forks of Pocatolaka creek; thence south-easterly, to the ridge dividing the Winebago country from that of the Potawatamie, Chippewa, and Ottawa tribes; thence southerly, with the said ridge, to the line running from Chicago to the Mississippi, near Rock Island. And it is fully understood, that the United States may freely occupy the country between these boundaries and the Mississippi river, until a treaty shall be held with the Indians for its cession; which treaty, it is presumed, will be held in the year 1829. But it is expressly understood and agreed, that if any white persons shall cross the line herein described, and pass into the Indian country, for the purpose of mining, or for any other purpose whatever, the Indians shall not interfere with nor molest such persons, but that the proper measures for their removal shall be referred to the President of the United States. In the mean time, however, it is agreed, that any just compensation to which the Indians may be entitled for any injuries committed by white persons on the Indian side of the said line, shall be paid to the said Indians at the time such treaty may be held—It is also agreed by the Indians that a ferry may be established over the Rock River, where the Fort Clark road crosses the same; and, also, a ferry over the same river at the crossing of the Lewiston road.

Ferries to be established over Rock River.

Payments to Indians for trespasses on their mines, etc.

ARTICLE 2. The United States agree to pay to the Winebago, Potawatamie, Chippewa, and Ottawa Indians, the sum of twenty thousand dollars, in goods, at the time and place when and where the said treaty may be held: which said sum shall be equitably divided between the said tribes, and shall be in full compensation for all the injuries and damages sustained by them, in consequence of the occupation of any part of the mining country by white persons, from the commencement of such occupation until the said treaty shall be held. Excepting, however, such compensation as the Indians may be entitled to, for any injuries hereafter committed on their side of the line hereby established.

In testimony whereof, the said commissioners and the chiefs of the said tribes have hereunto set their hands at Green bay, in the territory of Michigan, this 25th day of August, in the year of our Lord one thousand eight hundred and twenty-eight.

Lewis Cass,
Pierre Menard.
Winnebagoes:
Nan-kaw, or wood, his x mark,
Koan-kaw, or chief, his x mark,
Hoo-waun-ee-kaw, or little elk, his x mark,
Tshay-ro-tshoan-kaw, or smoker, his x mark,
Haump-ee-man-ne-kaw, or he who walks by day, his x mark,
Hoo-tshoap-kaw, or four legs, his x mark,
Morah-tshay-kaw, or little priest, his x mark,
Kau-ree-kau-saw-kaw, or white crow, his x mark,
Wau-kaun-haw-kaw, or snake skin, his x mark,
Man-ah-kee-tshump-kaw, or spotted arm, his x mark,
Wee-no-shee-kaw, his x mark,
Nee-hoo-kaw, or whirlpool, his x mark,
Nath-kay-saw-kaw, or fierce heart, his x mark,
Wheank-kaw, or duck, his x mark,
Saw-waugh-kee-wau, or he that leaves the yellow track, his x mark,
Sin-a-gee-wen, or ripple, his x mark,
Shush-que-nau, his x mark,
Sa-gin-nai-nee-pee, his x mark,
Nun-que-wee-bee, or thunder sitting, his x mark,
Tshaw-wan-shaip-shootsh-kaw, his x mark,

Hoo-tshoap-kaw, or four legs, (senior) his x mark,
Nau-soo-ray-risk-kaw, his x mark,
Shoank-tshunsk-kaw, or black wolf, his x mark,
Wau-tshe-roo-kun-ah-kaw, or he who is master of the lodge, his x mark,
Kay-rah-tsho-kaw, or clear weather, his x mark,
Hay-ro-kaw-kaw, or he without horns, his x mark,
Wau-kaum-kam, or snake, his x mark,
Kan-kaw-saw-kaw, his x mark,
Man-kay-ray-kau, or spotted earth, his x mark,
Thaun-wan-kaw, or wild cat, his x mark,
Span-you-kaw, or Spaniard, his x mark,
Shoank-skaw-kaw, or white dog, his x mark,
O-bwa-gunn, or thunder turn back, his x mark,
Tusk-que-gun, or last feather, his x mark,
Maun-gee-zik, or big foot, his x mark,
Way-meek-see-goo, or wampum, his x mark,
Meeks-zoo, his x mark,
Pay-mau-bee-mee, or him that looks over, his x mark.

Witnesses present:

W.B. Lee, secretary,
H.J.B. Brevoort, United States Indian agent,
R.A. Forsyth,
Jno. H. Kinzie,
John Marsh,
E.A. Brush,
G.W. Silliman,
C. Chouteau,
Peter Menard, jun., Indian subagent,
Henry Gratiot,
Pierre Paquet, Winnebago interpreter,
J. Ogee, Potawatamie interpreter.

Author's Introduction. In this treaty, the tribes that the U.S. government referred to as the United Nations of Chippewa, Ottawa, and Potawatomi Indians ceded their claim to the rich lead region in northwestern Wisconsin. In return for this cession the Indians were to receive $16,000 annually and $12,000 in presents, 50 barrels of salt each year forever, and $11,601 in direct payment of traders' claims. Fourteen individuals or families also received specific plots of land reserved for them in the ceded area. Eleven of these tracts went to mixed-bloods. The Indians also received the services of a blacksmith at Chicago.

The Indians reserved the right to hunt on the ceded lands, but once the United States had clear title to the rich lead region, non-Indian miners soon flooded the area in even greater numbers. This made the reserved right virtually worthless to the Chippewas, Ottawas, and Potawatomis, who fled from non-Indian contact.

Treaty between the United States and the United Nations of Chippewa, Ottawa, and Potawatomi Indians (1829)

Oratory

The following was spoken by one of the tribal leaders, Ka-wa-sot, of the tribes during the negotiations. (*Documents Relating to . . . 1801-1869*, Roll 2)

> Ka-wa-sot spoke—Fathers:
>
> I felt that you held me tight by the hand—I held your hands firmly too; . . . .
>
> We have come here to see you—last year [in 1828] we lent our land to you, and we would like now to see the payment for it. When we see the goods you promised us we shall be satisfied.
>
> Fathers! When that debt is paid we shall all feel glad, and our hearts will be rejoiced—When you pay up that credit we have given you, we will give you an answer on the subject of your speech, We have considered it well, and are ready to give an answer so soon as we are paid— . . . .

Complete Written Document

Articles of a treaty made and concluded at Prairie du Chien, in the Territory of Michigan, between the United States of America, by their Commissioners, General John McNeil, Colonel Pierre Menard, and Caleb Atwater, Esq. and the United Nations of Chippewa, Ottawa, and Potawatamie Indians, of the waters of the Illinois, Milwaukee, and Manitoouck Rivers.

July 29, 1829.

7 Stat., 320.
Proclamation, Jan. 2, 1830.

ARTICLE I.

Certain lands ceded to United States.

THE aforesaid nations of Chippewa, Ottawa, and Potawatamie Indians, do hereby cede to the United States aforesaid, all the lands comprehended within the following limits, to wit: Beginning at the Winnebago Village, on Rock river, forty miles from its mouth, and running thence down the Rock river, to a line which runs due west from the most southern bend of Lake Michigan to the Mississippi river, and with that line to the Mississippi river opposite to Rock Island; thence, up that river, to the United States' reservation at the mouth of the Ouisconsin; thence, with the south and east lines of said reservation, to the Ouisconsin river; thence, southerly, passing the heads of the small streams emptying into the Mississippi; to the Rock River aforesaid, at the Winnebago Village, the place of beginning. And, also, one other tract of land, described as follows, to wit: Beginning on the Western Shore of Lake Michigan, at the northeast corner of the field of Antoine Ouitmette, who lives near Gross Pointe, about twelve miles north of Chicago; thence, running due west, to the Rock River, aforesaid; thence, down the said river, to where a line drawn due west from the most southern bend of Lake Michigan crosses said river; thence, east, along said line, to the Fox River of the Illinois; thence, along the northwestern boundary line of the cession of 1816, to Lake Michigan; thence, northwardly, along the Western Shore of said Lake, to the place of beginning.

ARTICLE II.

Consideration therefor.

In consideration of the aforesaid cessions of land, the United States aforesaid agree to pay to the aforesaid nations of Indians the sum of sixteen thousand dollars, annually, forever, in specie: said sum to be paid at Chicago. And the said United States further agree to cause to be delivered to said nations of Indians, in the month of October next, twelve thousand dollars worth of goods as a present. And it is further agreed, to deliver to said Indians, at Chicago, fifty barrels of salt, annually, forever; and further, the United States agree to make permanent, for the use of the said Indians, the blacksmith's establishment at Chicago.

ARTICLE III.

Certain lands reserved.

From the cessions aforesaid, there shall be reserved, for the use of the undernamed Chiefs and their bands, the following tracts of land, viz:

For *Wau-pon-eh-see*, five sections of land at the Grand Bois, on Fox River of the Illinois, where *Shaytee's* Village now stands.

For *Shab-eh-nay*, two sections at his village near the Paw-Paw Grove. For *Awn-kote*, four sections at the village of *Saw-meh-naug*, on the Fox River of the Illinois.

ARTICLE IV.

Certain tracts to be granted to certain descendants from the Indians.

There shall be granted by the United States, to each of the following persons, (being descendants from Indians,) the following tracts of land, viz: To Claude Laframboise, one section of land on the Riviere aux Pleins, adjoining the line of the purchase of 1816.

To François Bourbonné, Jr. one section at the Missionary establishment, on the Fox River of the Illinois. To Alexander Robinson, for himself and children, two sections on the Riviere aux Pleins, above and adjoining the tract herein granted to Claude Laframboise. To Pierre Leclerc, one section at the village of the As-sim-in-eh-Kon, or Paw-paw Grove. To Waish-kee-Shaw, a Potawatamie woman, wife of David Laughton, and to her child, one and a half sections at the old village of Nay-ou-Say, at or near the source of the Riviere aux Sables of the Illinois. To Billy Caldwell, two and a half sections on the Chicago River, above and adjoining the line of the purchase of 1816. To Victoire Pothier, one half section on the Chicago River, above and adjoining the tract of land herein granted to Billy Caldwell. To Jane Miranda, one quarter section on the Chicago River, above and adjoining the tract herein granted to Victoire Pothier. To Madeline, a Potawatamie woman, wife of Joseph Ogee, one section west of and adjoining the tract herein granted to Pierre Leclerc, at the Paw-paw Grove. To Archange Ouilmette, a Potawatamie woman, wife of Antoine Ouilmette, two sections, for herself and her children, on Lake Michigan, south of and adjoining the northern boundary of the cession herein made by the Indians aforesaid to the United States. To Antoine and François Leclerc, one section each, lying on the Mississippi River, north of and adjoining the line drawn due west from the most southern bend of Lake Michigan, where said line strikes the Mississippi River. To Mo-ah-way, one quarter section on the north side of and adjoining the tract herein granted to Waish-Kee-Shaw. The tracts of land herein stipulated to be granted, shall never be leased or conveyed by the grantees, or their heirs, to any persons whatever, without the permission of the President of the United States.

ARTICLE V.

The United States, at the request of the Indians aforesaid, further agree to pay to the persons named in the schedule annexed to this treaty, the sum of eleven thousand six hundred and one dollars; which sum is in full satisfaction of the claims brought by said persons against said Indians, and by them acknowledged to be justly due.

United States to pay claims against Indians.

ARTICLE VI.

And it is further agreed, that the United [States] shall, at their own expense, cause to be surveyed, the northern boundary line of the cession herein made, from Lake Michigan to the Rock River, as soon as practicable after the ratification of this treaty, and shall also cause good and sufficient marks and mounds to be established on said line.

United States to survey boundary line of cession.

ARTICLE VII.

The right to hunt on the lands herein ceded, so long as the same shall remain the property of the United States, is hereby secured to the nations who are parties to this treaty.

Right to hunt reserved.

ARTICLE VIII.

This treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

Treaty binding when ratified.

In testimony whereof, the said John NcNiel, Pierre Menard, and Caleb Atwater, commissioners as aforesaid, and the chiefs and warriors of the said Chippewa, Ottawa, and Potawatamie nations, have hereunto set their hands and seals, at Prairie du Chein, as aforesaid, this twenty-ninth day of July, in the year of our Lord one thousand eight hundred and twenty-nine.

John McNiel, [L.S.]
Pierre Menard, [L.S.]
Caleb Atwater, [L.S.]
Commissioners.
Sin-eh-pay-nim, his x mark, [L.S.]
Kawb-suk-we, his x mark, [L.S.]
Wau-pon-eh-see, his x mark, [L.S.]
Naw-geh-say, his x mark, [L.S.]
Shaw-a-nay-see, his x mark, [L.S.]
Naw-geh-to-nuk, his x mark, [L.S.]
Meek-say-mauk, his x mark, [L.S.]
Kaw-gaw-gay-shee, his x mark, [L.S.]
Maw-geh-set, his x mark, [L.S.]
Meck-eh-so, his x mark, [L.S.]
Awn-kote, his x mark, [L.S.]
Shuk-eh-nay-buk, his x mark, [L.S.]
Sho-men, his x mark, [L.S.]
Nay-a-mush, his x mark, [L.S.]
Pat-eh-ko-zuk, his x mark, [L.S.]
Mash-kak-suk, his x mark, [L.S.]
Pooh-kin-eh-naw, his x mark, [L.S.]
Waw-kay-zo, his x mark, [L.S.]
Sou-ka-mock, his x mark, [L.S.]
Chee-chee-pin-quay, his x mark, [L.S.]
Man-eh-bo-zo, his x mark, [L.S.]
Shah-way-ne-be-nay, his x mark, [L.S.]
Kaw-kee, his x mark, [L.S.]
To-rum, his x mark, [L.S.]
Nah-yah-to-shuk, his x mark, [L.S.]
Mee-chee-kee-wis, his x mark, [L.S.]
Es-kaw-bey-wis, his x mark, [L.S.]
Wau-pay-kay, his x mark, [L.S.]
Michel, his x mark, [L.S.]
Nee-kon-gum, his x mark, [L.S.]
Mes-quaw-be-no-quay, her x mark, [L.S.]
Pe-i-tum, her x mark, [L.S.]
Kay-wau, her x mark, [L.S.]
Wau-kaw-ou-say, her x mark, [L.S.]
Shem-naw, her x mark, [L.S.]

In presence of—

Charles Hempstead, secretary to the commission,
Alex. Wolcott, Indian agent,
Jos. M. Street, Indian agent,
Thomas Forsyth, Indian agent,
A. Hill,
Henry Gratiot,
Richard Gentry,
John Messersmith,
Wm. P. Smith,
C. Chouteau,
James Turney,
Z. Taylor, Lieutenant-Colonel U.S. Army,
John H. Kinzie, subagent Indian affairs,
R.B. Mason, captain, First Infantry,
John Garland, major, U.S. Army,
H. Dodge,
Jesse Benton, Jr.,
J.L. Bogardus,
Antoine Le Claire, Indian interpreter,
Jon. W.B. Mette, Indian interpreter,
Sogee,
John W. Johnson.

July 29, 1829.

7 Stat., 604.

Schedule of claims and debts to be paid by the United States for the Chippewa, Ottawa, and Pottawatamie Indians, under the fifth article of the treaty of the 29th July, 1829, with said tribe.

To Francis Laframboise, for a canoe-load of merchandise taken by the Chippewa and Ottowata Indians of Chab-way-way-gun and the neighboring villages, while frozen up in the lake in the winter of the year 1799, two thousand dollars	$ 2,000 00
To Antoine Ouilmett, for depredations committed on him by the Indians at the time of the massacre of Chicago and during the war, eight hundred dollars	800 00
To the heirs of the late John Kinzie, of Chicago, for depredations committed on him at the time of the massacre of Chicago and at St. Joseph's, during the winter of 1812, three thousand five hundred dollars	3,500 00
To Margaret Helm, for losses sustained at the time of the capture of Fort Dearborn, in 1812, by the Indians, eight hundred dollars	800 00
To the American Fur Company, for debts owed to them by the United Tribes of Chippewas, Ottowas, and Pottawatamies, three thousand dollars	3,000 00
To Bernardus Laughton, for debts owed to him by same tribes, ten hundred and sixteen dollars	1,016 00
To James Kinzie, for debts owed to him by same, four hundred and eighty-five dollars	485 00
	$11,601 00

Treaty 11

Author's Introduction. After a series of unsuccessful uprisings, referred to by the U.S. government as the Winnebago War of 1827, the Winnebagos (now known as the Ho-Chunks) were forced to cede part of their lands, most notably the section of lands in southeastern Wisconsin that contained rich lead ore. Treaty negotiations for this purpose were held in 1828, but were successful only in distinguishing which lands the whites wanted the nation to cede. The tribal members who were present resisted the idea of selling their lands without further consultation with the rest of the Winnebago tribe. The actual cession of these lands did not take place until 1829.

With this treaty, the tribe ceded all their lands west of the Rock River and south of the Wisconsin River. The treaty negotiations were held concurrently with the Winnebago and with the Indians that the U.S. government referred to as the United Nations of Chippewa, Ottawa, and Potawatomi. These bands also claimed part of the lead-rich region that the Winnebagos were ceding. Once it concluded negotiating these two treaties, the United States finally had clear title to this important region.

For the land, the U.S. government promised the Winnebagos cash payment and, for the first time, a cash annuity. If all annuities were paid to maturity, the United States would have paid the Winnebagos $717,800 for 2,530,000 acres—less than 29 cents an acre—for some of the most valuable lands in Wisconsin. The federal government also agreed to deliver certain goods to the tribes for their lands, as well as the services of several blacksmiths, and all necessary tools and iron. This is the first time that the Winnebagos received the services of a blacksmith, a vital necessity for the repair of guns and horse-shoeing.

Treaty between the United States and the Winnebago Nation (1829)

Oratory

Different leaders of the Winnebago tribe spoke at the negotiation of the treaty. Here are some of their words: (*Documents Relating to . . . 1801-1869*, Roll 2)

> Kay-rah-tsho-kaw (or the Clear Sky) spoke—
>
> . . . We are a nation not like the whites, we have different customs and manners from you, the land we are speaking of is our own; We are one of the Nations of Indians who have never sold—
>
> What we are going to do, we hope will be strong, and well done, that those who come after us may know it, and respect it . . . .
>
> Kau-rah-kau-see-kau (or the Crow Killer) spoke—
>
> We will sell you a piece of our land but goods are not always alike—they are sometimes good, and some times bad—We want some money, that we can buy as we please—. . . .
>
> Wau-kaun-hah-kau (or the Snake Skin) spoke—
>
> What we are to get from our Father we wish to be given every fall by our Father (M. Kinzie), that is what our Great Father, told us should be done . . . .

Complete Written Document

Articles of a treaty made and concluded at the Village of Prairie du Chien, Michigan Territory, on this first day of August, in the year one thousand eight hundred and twenty-nine, between the United States of America, by their Commissioners, General John M'Neil, Colonel Pierre Menard, and Caleb Atwater, Esq., for and on behalf of said States, of the one part, and the Nation of Winnebaygo Indians of the other part.

Aug. 1, 1829.

7 Stat., 323.
Proclamation, Jan. 2, 1830.

ARTICLE I.

Certain lands ceded to United States.

THE said Winnebaygo nation hereby, forever, cede and relinquish to the said United States, all their right, title, and claim, to the lands and country contained within the following limits and boundaries, to wit: beginning on Rock River, at the mouth of the *Pee-kee-tau-no* or *Pee-kee-tol-a-ka*, a branch thereof; thence, up the *Pee-kee-tol-a-ka*, to the mouth of Sugar Creek; thence, up the said creek, to the source of the Eastern branch thereof; thence, by a line running due North, to the road leading from the Eastern blue mound, by the most Northern of the four lakes, to the portage of the Wisconsin and Fox rivers; thence, along the said road, to the crossing of Duck Creek; thence, by a line running in a direct course to the most Southeasterly bend of Lake Puck-a-way, on Fox River; thence, up said Lake and Fox River, to the Portage of the Wisconsin; thence, across said portage, to the Wisconsin river; thence, down said river, to the Eastern line of the United States' reservation at the mouth of said river, on the south side thereof, as described in the second article of the treaty made at St. Louis, on the twenty-fourth day of August, in the year eighteen hundred and sixteen, with the Chippewas, Ottawas, and Potawatamies; thence, with the lines of a tract of country on the Mississippi river, (secured to the Chippewas, Ottawas, and Potawatamies, of the Illinois, by the ninth article of the treaty made at Prairie du Chien, on the nineteenth day of August, in the year eighteen hundred and twenty-five,) running Southwardly, passing the heads of the small streams emptying into the Mississippi to the Rock river, at the Winnebaygo village, forty miles above its mouth; thence, up Rock river, to the mouth of the *Pee-kee-tol-a-ka* river, the place of beginning.

ARTICLE II.

Consideration therefor.

In consideration of the above cession, it is hereby stipulated, that the said United States shall pay to the said Winnebaygo nation of Indians the sum of eighteen thousand dollars in specie, annually, for the period of thirty years; which said sum is to be paid to said Indians at Prairie du Chien and Fort Winnebaygo, in proportion to the numbers residing within the most convenient distance of each place, respectively; and it is also agreed, that the said United States shall deliver immediately to said Indians, as a present, thirty thousand dollars in goods; and it is further agreed, that three thousand pounds of tobacco, and fifty barrels of salt, shall be annually delivered to the said Indians by the United States, for the period of thirty years; half of which articles shall be delivered at the Agency at Prairie du Chien, and the other half at the Agency of Fort Winnebaygo.

ARTICLE III.

United States to provide three blacksmiths' shops, etc.

And it is further agreed between the parties, that the said United States shall provide and support three blacksmiths' shops, with the necessary tools, iron, and steel, for the use of the said Indians, for the term of thirty years; one at Prairie du Chien, one at Fort Winnebaygo, and one on the waters of Rock river; and furthermore, the said United States engage to furnish, for the use of the said Indians, two yoke of oxen, one cart, and the services of a man at the portage of the Wisconsin and Fox rivers, to continue at the pleasure of the Agent at that place, the term not to exceed thirty years.

ARTICLE IV.

United States agree to pay certain claims against Winnebagoes.

The United States (at the request of the Indians aforesaid) further agree to pay to the persons named in the schedule annexed to this treaty, (and which forms part and parcel thereof,) the several sums as therein specified, amounting, in all, to the sum of twenty-three thousand five hundred and thirty-two dollars and twenty-eight cents; which sum is in full satisfaction of the claims brought by said persons against said Indians, and by them acknowledged to be justly due.

ARTICLE V.

United States to grant certain lands to descendants of Indians.

And it is further agreed, that, from the land hereinbefore ceded, there shall be granted by the United States to the persons herein named, (being descendants of said Indians,) the quantity of land as follows, to be located without the mineral country, under the direction of the President of the United States, that is to say: to Catherine Myott, two sections; to Mary, daughter of Catharine Myott, one section; to Michael St. Cyr, son of *Hee-no-kau*, (a Winnebaygo woman,) one section; to Mary, Ellen, and Brigitte, daughters of said *Hee-no-kau*, each one section; to Catherine and Olivier, children of Olivier Amelle, each one section; to François, Therese, and Joseph, children of Joseph Thibault, each one section; to Sophia, daughter of Joshua Palen, one section; to Pierre Pacquette, two sections; and to his two children, Therese and Moses, each one section; to Pierre Grignon L'Avoine, Amable, Margaret, Genevieve, and Mariette, children of said Pierre, each one section; to *Mauh-nah-tee-see*, (a Winnebaygo woman,) one section; and to her eight children, viz: Therese, Benjamin, James, Simeon, and Phelise Leciiyer, Julia and Antoine Grignon, and Alexis Peyet, each one section; to John Baptiste Pascal, Margaret, Angelique, Domitille, Therese, and Lisette, children of the late John Baptiste Pacquette, each one section; to Madeline Brisbois, daughter of the late Michel Brisbois, Jr. one section; to Therese Gagnier and her two children, François and Louise, two sections; to Mary, daughter of Luther Gleason, one section; and to Theodore Lupien, one section; all which aforesaid grants are not to be leased or sold by said grantees to any person or persons whatever, without the permission of the President of the United States; and it is further agreed, that the said United States shall pay to Therese Gagnier the sum of fifty dollars per annum, for fifteen years, to be deducted from the annuity to said Indians.

Annuity of $50 to Therese Gagnier.

ARTICLE VI. [Not ratified by Senate.]

ARTICLE VII.

Treaty binding when ratified.

This Treaty, after the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, shall be obligatory on the contracting parties.

In testimony whereof, the said John McNiel, Pierre Menard, and Caleb Atwater, commissioners as aforesaid, and the chiefs and warriors of the said Winnebago nation of Indians, have hereunto set their hands and seals, at the time and place first herein above written.

John McNiel, [L.S.]
Pierre Menard, [L.S.]
Caleb Atwater, [L.S.]
Commissioners,
Hay-ray-tshon-sarp, black hawk, his x mark, [L.S.]
Tshay-o-skaw-tsho-kaw, who plays with the ox, his x mark, [L.S.]
Woank-shik-rootsh-kay, man eater, his x mark, [L.S.]
Kau-rah-kaw-see-kan, crow killer, his x mark, [L.S.]
Maunk-shaw-ka, white breast, his x mark, [L.S.]
Hah-pau-koo-see-kaw, his x mark, [L.S.]
Maun-kaw-kaw, earth, his x mark, [L.S.]
Ah-sheesh-kaw, broken arm, his x mark, [L.S.]
Waw-kaun-kaw, rattle snake, his x mark, [L.S.]
Chey-skaw-kaw, white ox, his x mark, [L.S.]
Nautch-kay-suck, the quick heart, his x mark, [L.S.]

Wau-kaun-tshaw-way-kee-wen-kaw, whirling thunder, his x mark, [L.S.]
Thoap-nuzh-ee-kaw, four who stand, his x mark, [L.S.]
Hay-nah-ah-ratsh-kay, left handed, his x mark, [L.S.]
Woan-knaw-hoap-ee-ne-kaw, big medicine man, his x mark, [L.S.]
Pey-tshun-kaw, the crane, his x mark, [L.S.]
Jarot, or Jarrot, his x mark, [L.S.]
Thay-hoo-kau-kaw, his x mark, [L.S.]
Maun-tsha-nig-ee-nig, little white bear, his x mark, [L.S.]
Wau-kaun-tsha-nee-kau, deaf thunder, his x mark, [L.S.]
Chah-wau-saip-kau, black eagle, his x mark, [L.S.]
Koy-se-ray-kaw, his x mark, [L.S.]
Nau-kaw-kary-maunie, wood, his x mark, [L.S.]
Hee-tshah-wau-shaip-soots-kau, red war eagle, his x mark, [L.S.]
Hee-tsha-wau-sharp-skaw-kau, white war eagle, his x mark, [L.S.]
Tshu-o-nuzh-ee-kau, he who stands in the house, his x mark, [L.S.]
Wau-kaun-hah-kaw, snake skin, his x mark, [L.S.]
Hoo-wau-noo-kaw, little elk, his x mark, [L.S.]
Shoank-tshunk-saip-kau, black wolf, his x mark, [L.S.]
Kay-rah-tsho-kau, clear sky, his x mark, [L.S.]
Hee-tshaum-wau-kaw, wild cat, his x mark, [L.S.]
Hoo-tshoap-kau, four legs, Jr., his x mark, [L.S.]
Maunk-kay-ray-kau, crooked tail, his x mark, [L.S.]
Wau-kaum-kaw, rattle snake, his x mark, [L.S.]
Wau-tshee-roo-kun-o-kau, master of the lodge, his x mark, [L.S.]
Menne-kam, the bear who scratches, his x mark, [L.S.]
Waun-kaun-tshaw-zee-kau, yellow thunder, his x mark, [L.S.]
Kay-ray-mau-nee, walking turtle, his x mark, [L.S.]
Kaisn-kee-pay-kau, his x mark, [L.S.]
Ni-si-wau-roosh-kun, the bear, his x mark, [L.S.]
Kau-kau-saw-kaw, his x mark, [L.S.]
Saun-tshah-mau-nee, his x mark, [L.S.]
Maunee-hat-a-kau, big walker, his x mark, [L.S.]
Kaish-kee-pay-kau, his x mark, [L.S.]

In presence of—

Charles S. Hempstead, secretary to the commission,
Joseph M. Street, Indian agent,
Thomas Forsyth, Indian agent,
Alex. Wolcott, Indian agent,
John H. Kenzie, subagent Indian affairs,
Z. Taylor, lieutenant-colonel, U.S. Army,
H. Dodge,
A. Hill,
Henry Gratiot,
Wm. Beaumont, surgeon, U.S. Army,
G.W. Garey
Richard Gentry,
James Turner,
Richard H. Bell,
John W. Johnson,
Wm. M. Read,
G.H. Kennerly,
R. Holmes, U.S. Army,
John Dallam,
J.R.B. Gardenier, lieutenant, U.S. Infantry,
Charles Chouteau,
John Messersmith,
John L. Chastain,
Wm. D. Smith,
Charles K. Henshaw,
James B. Estis,
Jesse Benton, Jr.,
Jacob Hambleton,
John Quaill,
John Garland,
Henry Crossle,
J.L. Bogardus,
B.B. Kercheval,
Luther Gleason,
Pierre Paquet, his x mark, Winnebago interpreter,
J. Palen,
Jacques Mette,
Antoine Le Claire,
Joge,
M. Brisbois.

Treaty 12

Author's Introduction. This complicated treaty negotiated between the Menominee Nation and the United States had several purposes. It reaffirmed the boundaries of earlier cessions, especially those to the New York Indians and the boundaries with the Chippewas and the Winnebagos (now known as Ho-Chunks). It also ceded land, both to the New York Indians and to Euro-Americans. The latter wanted the land for its rich timber resources.

This treaty also defined a tract of land as the Menominee reservation and provided farmers to help the tribe develop agriculturally and mills to help the Indians process their grains and timber. It provided an annuity of both money and goods and also continued the funding of a school established under the 1827 treaty. In fact, at the tribe's insistence, the fund for the school was increased.

It is interesting to note that the Menominees, like the Chippewas in their later treaties with the government, reserved certain rights on the ceded lands. In article six, the tribe reserved their hunting and fishing rights on the newly ceded land as they had in the 1821 treaty with the New York Indians, which was their first land cession treaty.

The Menominees ceded their lands between Lake Michigan and Lake Winnebago, from present-day Milwaukee northward to Green Bay and the lower Fox River. This dramatically reduced the tribe's land base, certainly affecting the economic and political future strength of the tribe.

The handling of additional treaty provisions by the U.S. government jeopardized the intent of the treaty. For example, U.S. negotiators added the final clause of the treaty after the tribal leaders had left. This clause gave the President extraordinary powers to set annuities for the tribe without their approval. It also allowed him to make roads and establish military forts on the reservation as he saw fit, and required no negotiation with the tribe for these rights. Furthermore, the U.S. Senate unilaterally amended the treaty so as to provide an additional 20,000 acres for the New York Indians. Menominee refusal to accept these additional terms necessitated another treaty council in 1832.

Treaty between the United States and the Menominee Nation with Supplementary Articles (1831)

Oratory

The following is an excerpt of a speech given by Aya-ma-taw in Washington, 1831 where he was representing the Menominee tribe. (In Ourada, 1973)

> . . . our great father told us at Washington that the balance of our land on the west side of Fox River should remain to, and be ours as long as we should live, and that we should have the right to give a piece of our land on the west side of the river to the half breeds of Menominee blood—that the President would not want to purchase any more land . . . .

Complete Written Document

Feb. 8, 1831.

7 Stat., 342.
Proclamation, July 9, 1832.

Articles of agreement made and concluded at the City of Washington, this eighth day of February, one thousand eight hundred and thirty-one, between John H. Eaton, Secretary of War, and Samuel C. Stambaugh, Indian Agent at Green Bay, specially authorized by the President of the United States, and the undersigned chiefs and head men of the Menomonee nation of Indians, fully authorized and empowered by the said nation, to conclude and settle all matters provided for by this agreement.

Boundaries of Menomonee country.

THE Menomonee Tribe of Indians, by their delegates in council, this day, define the boundaries of their country as follows, to wit;

On the *east* side of Green Bay, Fox river, and Winnebago lake; beginning at the south end of Winnebago lake; thence southeastwardly to the Milwauky or Manawauky river; thence down said river to its mouth at lake Michigan; thence north, along the shore of lake Michigan, to the mouth of Green Bay; thence up Green Bay, Fox river, and Winnebago lake, to the place of beginning. And on the *west* side of Fox river as follows: beginning at the mouth of Fox river, thence down the east shore of Green bay, and across its mouth, so as to include all the islands of the "Grand Traverse;" thence westerly, on the highlands between the lake Superior and Green bay, to the upper forks of the Menomonee river; thence to the Plover portage of the Wisconsin river; thence up the Wisconsin river, to the Soft Maple river; thence to the source of the Soft Maple river; thence west to the Plume river, which falls into the Chippeway river; thence down said Plume river to its mouth; thence down the Chippeway river thirty miles; thence easterly to the forks of the Manoy river, which falls into the Wisconsin river; thence down the said Manoy river to its mouth; thence down the Wisconsin river to the Wisconsin portage; thence across the said portage to the Fox river; thence down Fox river to its mouth at Green bay, or the place of beginning.

The country described within the above boundaries, the Menomonees claim as the exclusive property of their tribe. Not yet having disposed of any of their lands, they receive no annuities from the United States: whereas their brothers the Pootowottomees on the south, and the Winnebagoes on the west, have sold a great portion of their country, receive large annuities, and are now encroaching upon the lands of the Menomonees. For the purposes, therefore, of establishing the boundaries of their country, and of ceding certain portions of their lands to the United States, in order to secure great and lasting benefits to themselves and posterity, as well as for the purpose of settling the long existing dispute between themselves and the several tribes of the New York Indians, who claim to have purchased a portion of their lands, the undersigned, chiefs and headmen of the Menomonee tribe, stipulate and agree with the United States, as follows:

Cession of land to United States for the benefit of the New York Indians.

Boundaries.

First. The Menomonee tribe of Indians declare themselves the friends and allies of the United States, under whose parental care and protection they desire to continue; and although always protesting that they are under no obligation to recognize any claim of the New York Indians to any portion of their country; that they neither sold nor received any value, for the land claimed by these tribes; yet, at the solicitation of their Great Father, the President of the United States, and as an evidence of their love and veneration for him, they agree that such part of the land described, being within the following boundaries, as he may direct, may be set apart as a home to the several tribes of the New York Indians, who may remove to, and settle upon the same, within three years from the date of this agreement, viz: beginning on the west side of Fox river, near the "Little Kackalin," at a point known as the "Old Mill Dam;" thence northwest forty miles; thence northeast to the Oconto creek, falling into Green bay, thence down said Oconto creek to Green bay; thence up and along Green bay and Fox river to the place of beginning; excluding therefrom all private land claims confirmed, and also the following reservation for military purposes; beginning on the Fox river, at the mouth of the first creek above Fort Howard; thence north sixty-four degrees west to Duck creek; thence down said Duck creek to its mouth; thence up and along Green bay and Fox river to the place of beginning. The

Menomonee Indians, also reserve, for the use of the United States, from the country herein designated for the New York Indians, timber and firewood for the United States garrison, and as much land as may be deemed necessary for public highways, to be located by the direction, and at the discretion of the President of the United States. The country hereby ceded to the United States, for the benefit of the New York Indians, contains by estimation about five hundred thousand acres, and includes all their improvements on the west side of Fox river. As it is intended for a home for the several tribes of the New York Indians, who may be residing upon the lands at the expiration of three years from this date, and for none others, the President of the United States is hereby empowered to apportion the lands among the actual occupants at that time, so as not to assign to any tribe a greater number of acres than may be equal to one hundred for each soul actually settled upon the lands, and if, at the time of such apportionment, any lands shall remain unoccupied by any tribe of the New York Indians, such portion as would have belonged to said Indians, had it been occupied, shall revert to the United States. That portion, if any, so reverting, to be laid off by the President of the United States. It is distinctly understood, that the lands hereby ceded to the United States for the New York Indians, are to be held by those tribes, under such tenure as the Menomonee Indians now hold their lands, subject to such regulations and alteration of tenure, as Congress and the President of the United States shall, from time to time, think proper to adopt.

Consideration.

Second. For the above cession to the United States, for the benefit of the New York Indians, the United States consent to pay the Menomonee Indians, twenty thousand dollars; five thousand to be paid on the first day of August next, and five thousand annually thereafter; which sums shall be applied to the use of the Menomonees, after such manner as the President of the United States may direct.

Further cession of lands to the United States.

Third. The Menomonee tribe of Indians, in consideration of the kindness and protection of the Government of the United States, and for the purpose of securing to themselves and posterity, a comfortable home, hereby cede and forever relinquish to the United States, all their country on the southeast side of Winnebago lake, Fox river, and Green bay, which they describe in the following boundaries, to wit: beginning at the south end of Winnebago lake, and running in a southeast direction to Milwauky or Manawauky river; thence down said river to its mouth; thence north, along the shore of lake Michigan, to the entrance of Green bay; thence up and along Green bay, Fox river, and Winnebago lake, to the place of beginning; excluding all private land claims which the United States have heretofore confirmed and sanctioned. It is also agreed that all the islands which lie in Fox river and Green bay, are likewise ceded; the whole comprising by estimation, two million five hundred thousand acres.

Reservation.

Fourth. The following described tract of land, at present owned and occupied by the Menomonee Indians, shall be set apart, and designated for their future homes, upon which their improvements as an agricultural people are to be made: beginning on the West side of Fox river, at the "Old Mill Dam" near the "Little Kackalin," and running up and along said river, to the Winnebago lake; thence along said lake to the mouth of Fox river; thence up Fox river to the Wolf river; thence up Wolf river to a point southwest of the west corner of the tract herein designated for the New York Indians; thence northeast to said west corner; thence southeast to the place of beginning. The above reservation being made to the Menomonee Indians for the purpose of weaning them from their wandering habits, by attaching them to comfortable homes, the President of the United States, as a mark of affection for his children of the Menomonee tribe, will cause to be employed five farmers of established character for capacity, industry, and moral habits, for ten successive years, whose duty it shall be to assist the Menomonee Indians in the cultivation of their farms, and to instruct their children in the business and occupation of farming. Also, five females shall be employed, of like good character, for the purpose of teaching young Menomonee women, in the business of useful housewifery, during a period of ten years.—The annual compensation allowed to the farmers, shall not exceed five hundred dollars, and that of the females three hundred dollars. And the United States will cause to be erected, houses suited to their condition, on said lands, as soon as the Indians agree to occupy them, for which ten thousand dollars shall be appropriated; also, houses for the farmers, for which three thousand dollars shall be appropriated; to be expended under the direction of the Secretary of War. Whenever the Menomonees thus settle their lands, they shall be supplied with useful household articles, horses, cows, hogs, and sheep, farming utensils, and other articles of husbandry necessary to their comfort, to the value of six thousand dollars; and they desire that some suitable device may be stamped upon such articles, to preserve them from sale or barter, to evil disposed white persons: none of which, nor any other articles with which the United States may at any time furnish them, shall be liable to sale, or be disposed of or bargained, without permission of the agent. The whole to be under the immediate care of the farmers employed to remain among said Indians, but subject to the general control of the United States' Indian Agent at Green Bay acting under the Secretary of War. The United States will erect a grist and saw mill on Fox river, for the benefit of the Menomonee Indians, and employ a good miller, subject to the direction of the agent, whose business it shall be to grind the grain, required for the use of the Menomonee Indians, and saw the lumber necessary for building on their lands, as also to instruct such young men of the Menomonee nation, as desire to, and conveniently can be instructed in the trade of a miller. The expenses of erecting such mills, and a house for the miller to reside in, shall not exceed six thousand dollars, and the annual compensation of the miller shall be six hundred dollars, to continue for ten years. And if the mills so erected by the United States, can saw more lumber or grind more grain, than is required for the proper use of said Menomonee Indians, the proceeds of such milling shall be applied to the payment of other expenses occurring in the Green bay agency, under the direction of the Secretary of War.

Farmers, etc.

Dwelling houses.

Grist and saw mill

In addition to the above provision made for the Menomonee Indians, the President of the United States will cause articles of clothing to be distributed among their tribe at Green bay, within six months from the date of this agreement, to the amount of eight thousand dollars; and flour and wholesome provisions, to the amount of one thousand dollars, one thousand dollars to be paid in specie. The cost of the transportation of the clothing and provisions, to be included in the sum expended. There shall also be allowed annually thereafter, for the space of twelve successive years, to the Menomonee tribe, in such manner and form as the President of the United States shall deem most beneficial and advantageous to the Indians, the sum of six thousand dollars. As a matter of great importance to the Menomonees, there shall be one or more gun and blacksmith's shops erected, to be supplied with a necessary quantity of iron and steel, which, with a shop at Green bay,

Clothing and flour.

Annuity, etc.

shall be kept up for the use of the tribe, and continued at the discretion of the President of the United States. There shall also be a house for an interpreter to reside in, erected at Green bay, the expenses not to exceed five hundred dollars.

Education of Menominees.

Fifth. In the treaty of Butte des Morts, concluded in August 1827, an article is contained, appropriating one thousand five hundred dollars annually, for the support of schools in the Menomonee country. And the representatives of the Menomonee nation, who are parties hereto, require, and it is agreed to, that said appropriation shall be increased five hundred dollars, and continued for ten years from this date, to be placed in the hands of the Secretary at War, in trust for the exclusive use and benefit of the Menomonee tribe of Indians, and to be applied by him to the education of the children of the Menomonee Indians, in such manner as he may deem most advisable.

Certain privileges reserved.

Sixth. The Menomonee tribe of Indians shall be at liberty to hunt and fish on the lands they have now ceded to the United States, on the east side of Fox river and Green bay, with the same privileges they at present enjoy, until it be surveyed and offered for sale by the President; they conducting themselves peaceably and orderly. The chiefs and Warriors of the Menomonee nation, acting under the authority and on behalf of their tribe, solemnly pledge themselves to preserve peace and harmony between their people and the Government of the United States forever. They neither acknowledge the power nor protection of any other State or people. A departure from this pledge by any portion of their tribe, shall be a forfeiture of the protection of the United States' Government, and their annuities will cease. In thus declaring their friendship for the United States, however, the Menomonee tribe of Indians, having the most implicit confidence in their great father, the President of the United States, desire that he will, as a kind and faithful guardian of their welfare, direct the provisions of this compact to be carried into immediate effect. The Menomonee chiefs request that such part of it as relates to the New York Indians, be immediately submitted to the representatives of their tribes. And if they refuse to accept the provision made for their benefit, and to remove upon the lands set apart for them, on the west side of Fox river, that he will direct their immediate removal from the Menomonee country; but if they agree to accept of the liberal offer made to them by the parties to this compact, then the Menomonee tribe as dutiful children of their great father the President, will take them by the hand as brothers, and settle down with them in peace and friendship.

New York Indians.

The boundary, as stated and defined in this agreement, of the Menomonee country, with the exception of the cessions herein before made to the United States, the Menomonees claim as their country; that part of it adjoining the farming country, on the west side of Fox river, will remain to them as heretofore, for a hunting ground, until the President of the United States, shall deem it expedient to extinguish their title. In that case, the Menomonee tribe promise to surrender it immediately, upon being notified of the desire of Government to possess it. The additional annuity then to be paid to the Menomonee tribe, to be fixed by the President of the United States. It is conceded to the United States that they may enjoy the right of making such roads, and of establishing such military posts, in any part of the country now occupied by the Menomonee nation, as the President at any time may think proper.

Expenses of delegation, etc.

As a further earnest of the good feeling on the part of their great father, it is agreed that the expenses of the Menomonee delegation to the city of Washington, and of returning, will be paid, and that a comfortable suit of clothes will be provided for each; also, that the United States will cause four thousand dollars to be expended in procuring fowling guns, and ammunition for them; and likewise, in lieu of any garrison rations, hereafter allowed or received by them, there shall be procured and given to said tribe one thousand dollars worth of good and wholesome provisions annually, for four years, by which time it is hoped their hunting habits may cease, and their attention be turned to the pursuits of agriculture.

In testimony whereof, the respective parties to this agreement have severally signed the same, this 8th February, 1831.

John H. Eaton, [L.S.]
S.C. Stambaugh, [L.S.]
Kaush-kau-no-naive, grizzly bear, his x mark, [L.S.]
A-ya-mah-taw, fish spawn, his x mark, [L.S.]
Ko-ma-ni-kin, big wave, his x mark, [L.S.]
Ko-ma-ni-kee-no-shah, little wave, his x mark, [L.S.]
O-ho-pa-shah, little whoop, his x mark, [L.S.]
Ah-ke-ne-pa-weh, earth standing, his x mark, [L.S.]
Shaw-wan-noh, the south, his x mark, [L.S.]
Mas-ke-wet, his x mark, [L.S.]
Pah-she-nah-sheu, his x mark, [L.S.]
Chi-mi-na-na-quet, great cloud, his x mark, [L.S.]
A-na-quet-to-a-peh, setting in a cloud, his x mark, [L.S.]
Sha-ka-cho-ka-mo, great chief, his x mark, [L.S.]

Signed, sealed, and delivered in presence of—

R.A. Forsyth,
C.A. Grignon,
Interpreters,
A.G. Ellis,
Richard Pricket, United States Interpreter, his x mark,
William Wilkins, of Pennsylvania,
Samuel Swartwout, of N. York,
John T. Mason, Michigan,
Rh. M. Johnson, Kentucky.

Menominee Treaty of 1831 (February 17) Supplementary Articles

Feb. 17, 1831.

7 Stat., 346.
Proclamation, July 9, 1832.

WHEREAS certain articles of agreement were entered into and concluded at the city of Washington, on the 8th day of February instant, between the undersigned, Commissioners on behalf of the United States, and the chiefs and warriors, representing the Menomonee tribe of Indians, whereby a portion of the Menomonee country, on the northwest side of Fox river and Green bay, was ceded to the United States, for the benefit of the New York Indians, upon certain conditions and restrictions therein expressed: And whereas it has been represented to the parties to that agreement, who are parties hereto, that it would be more desirable and satisfactory to some of those interested that one or two immaterial changes be made in the *first* and *sixth* articles, so as not to limit the number of acres to one hundred for each soul who may be settled upon the land when the President apportions it, as also to make unlimited the time of removal and settlement upon these lands by the New York Indians, but to leave both these matters discretionary with the President of the United States.

Now, therefore, as a proof of the sincerity of the professions made by the Menomonee Indians, when they declared themselves anxious to terminate in an amicable manner, their disputes with the New York Indians, and also as a further proof of their love and veneration for their great father, the President of the United States, the undersigned, representatives of the Menomonee tribe of Indians, unite and agree with the Commissioners aforesaid, in making and acknowledging the following supplementary articles a part of their former aforesaid agreement.

President to prescribe time for removal and settlement of New York Indians.

First. It is agreed between the undersigned, commissioners on behalf of the United States, and the chiefs and warriors representing the Menomonee tribe of Indians, that, for the reasons above expressed, such parts of the *first* article of the agreement, entered into between the parties hereto, on the eighth instant, as limits the removal and settlement of the New York Indians upon the lands therein provided for their future homes, to three years, shall be altered and amended, so as to read as follows: That the President of the United States shall prescribe the time for the removal and settlement of the New York Indians upon the lands thus provided for them; and, at the expiration of such reasonable time, he shall apportion the land among the actual settlers, in such manner as he shall deem equitable and just. And if, within such reasonable time, as the President of the United States shall prescribe for that purpose, the New York Indians, shall refuse to accept the provisions made for their benefit, or having agreed, shall neglect or refuse to remove from New York, and settle on the said lands, within the time prescribed for that purpose, that then, and in either of these events, the lands aforesaid shall be, and remain the property of the United States, according to said *first* article, excepting so much thereof, as the President shall deem justly due to such of the New York Indians, as shall actually have removed to, and settled on the said lands.

Second. It is further agreed that the part of the sixth article of the agreement aforesaid, which requires the removal of those of the New York Indians, who may not be settled on the lands at the end of three years, shall be so amended as to leave such removal discretionary with the President of the United States. The Menomonee Indians having full confidence, that, in making his decision, he will take into consideration the welfare and prosperity of their nation.

Done and signed at Washington, this 17th of February, 1831.

John H. Eaton, [L.S.]
S.C. Stambaugh, [L.S.]
Kaush-kau-no-naive, his x mark, [L.S.]
A-ya-mah-taw, his x mark, [L.S.]
Ko-ma-ni-kin, his x mark, [L.S.]
Ko-ma-ni-kee-no-shah, his x mark, [L.S.]
O-ho-pa-shah, his x mark, [L.S.]
Ah-ke-ne-pa-weh, his x mark, [L.S.]
Shaw-wan-noh, his x mark, [L.S.]
Mash-ke-wet, his x mark, [L.S.]
Pah-she-nah-sheu, his x mark, [L.S.]
Chi-mi-na-na-quet, his x mark, [L.S.]
A-na-quet-to-a-peh, his x mark, [L.S.]
Sha-ka-cho-ka-mo, his x mark, [L.S.]

Signed in presence of—

R.A. Forsyth,
C.A. Grignon,
Law. L.V. Kleeck,
John T. Mason,
P.G. Randolph,
A.G. Ellis.

[NOTE.—This treaty was ratified with the following Proviso contained in the Resolution of the Senate:

Amendment.

Provided, That for the purpose of establishing the rights of the New York Indians, on a permanent and just footing, the said treaty shall be ratified with the express understanding that two townships of land on the east side of the Winnebago lake, equal to forty-six thousand and eighty acres shall be laid off, (to commence at some point to be agreed on,) for the use of the Stockbridge and Munsee tribes; and that the improvements made on the lands now in the possession of the said tribes, on the east side of the Fox river, which said lands are to be relinquished, shall, after being valued by a commissioner to be appointed by the President of the United States, be paid for by the Government: *Provided,* however, that the valuation of such

Stockbridge and Munsees.

Brothertown Indians.

New York Indians.

improvements shall not exceed the sum of twenty-five thousand dollars; and that there shall be one township of land, adjoining the foregoing, equal to twenty-three thousand and forty acres, laid off and granted for the use of the Brothertown Indians, who are to be paid, by the Government the sum of one thousand six hundred dollars for the improvements on the lands now in their possession, on the east side of Fox river, and which lands are to be relinquished by said Indians: Also, that a new line shall be run, parallel to the southwestern boundary line, or course of the tract of five hundred thousand acres described in the first article of this treaty, and set apart for the New York Indians, to commence at a point on the west side of the Fox river, and one mile above the Grand Shute on Fox river, and at a sufficient distance from the said boundary line as established by the said first article, as shall comprehend the additional quantity of two hundred thousand acres of land, on and along the west side of Fox river, without including any of the confirmed private land claims on the Fox river, and which two hundred thousand acres shall be a part of the five hundred thousand acres intended to be set apart for the Six Nations of the New York Indians and the St. Regis tribe; and that an equal quantity to that which is added on the southwestern side shall be taken off from the northeastern side of the said tract, described in that article, on the Oconto Creek, to be determined by a Commissioner, to be appointed by the President of the United States; so that the whole number of acres to be granted to the Six Nations, and St. Regis tribe of Indians, shall not exceed the quantity originally stipulated by the treaty.]

Treaty 13

Author's Introduction. The 1831 treaty with the Menominees was soon disputed by all the parties involved—the New York Indians, the Menominees, and the United States—who all objected to parts of this treaty. In order to resolve these conflicts, another treaty negotiation was held in 1832. The Menominees agreed to the original 1832 treaty, but objected to a supplemental article, added later without their knowledge. By using some of the goodwill that it had gained by helping the United States in the recent Black Hawk War, the tribe rejected the treaty as unfair. Because the Senate's ratification was contingent upon the tribe's approval, the U.S. Senate actually had this treaty *renegotiated* after ratification. The federal government sent the territorial governor to convince the Menominees to approve the additional terms.

Much of this treaty, like earlier treaties, concerned boundaries. It attempted to resolve once again the boundary disputes that the tribe had with the New York Indians, disputes that went back to the earlier treaties between these tribes.

The 1832 document was also a land cession treaty, as most treaties signed by Wisconsin tribes were after 1825. The tribe ceded lands to the Six Nations of New York Indians and gave grants of land to the Stockbridge, Munsee, and Brothertown Indians. The treaty was in many ways a victory for the tribe: though they did cede lands southwest of the Fox River, they received almost an equal amount of land northeast of the Fox River.

Treaty between the United States and the Menominee Nation with Appendix between the United States and Brothertown, Stockbridge and Munsee, and the Six Nations and St. Regis Tribe (1832)

Oratory

Grizzley Bear, one of the signers of the 1832 treaty, spoke these words about the issues at hand: (*Documents Relating to . . . 1801-1869*, Roll 2)

> Grizzley Bear—
>
> . . . Do you tell our Great Father to give us the money—*the Cash*, and it will do us more good—; or if he choses to give us more money than all these things will cost, we will take it— Our people know what to do with money . . . .
>
> . . . Father— You do not seem to know us— We do not change our mind so soon as this— We have already told you that when we have any thing to do, we consult together and decide; and when done, so it must be— We have also told you that we do not care any thing for the New York Indians—whether they are pleased or not.— We will not do any thing for them— . . . .

Complete Written Document

Oct. 27, 1832.

7 Stat., 4[illegible]
Proclamation, [illegible]. 13, 1833.

Preamble.

WHEREAS articles of agreement between the United States of America, and the Menominee Indians, were made and concluded at the city of Washington, on the eighth day of February A.D. one thousand eight hundred and thirty-one, by John H. Eaton, and Samuel C. Stambaugh, Commissioners on the part of the United States, and certain Chiefs and Headmen of the Menominee Nation, on the part of said nation; to which articles, an addition or supplemental article was afterwards made, on the seventeenth day of February in the same year, by which the said Menominee Nation agree to cede to the United States certain parts of their land; and that a tract of country therein defined shall be set apart for the New York Indians. All which with the many other stipulations therein contained will more fully appear, by reference to the same. Which said agreements thus forming a *Treaty*, were laid before the Senate of the United States during their then session: but were not at said session acted on by that body. Whereupon a further agreement was on the fifteenth day of March, in the same year, entered into for the purpose of preserving the provisions of the treaty, made as aforesaid; by which it was stipulated that the said articles of agreement, concluded as aforesaid, should be laid before the next Senate of the United States, at their ensuing session; and if sanctioned and confirmed by them, that each and every article thereof should be as binding and obligatory upon the parties respectively, as if they had been sanctioned at the previous session. *And whereas* the Senate of the United States, by their resolution of the twenty-fifth day of June, one thousand eight hundred and thirty-two, did advise and consent to accept, ratify and confirm the same, and every clause and article thereof upon the *conditions* expressed in the proviso, contained in their said resolution: which proviso is as follows: "Provided that for the purpose of establishing the rights of the New York Indians, on a permanent and just footing, the said treaty shall be ratified, with the express understanding that two townships of land on the east side of Winnebago Lake, equal to forty-six thousand and eighty acres shall be laid off (to commence at some point to be agreed on) for the use of the Stockbridge and Munsee tribes; and that the improvements made on the lands now in the possession of the said tribes on the east side of the Fox river, which said lands are to be relinquished shall, after being valued by a commissioner to be appointed by the President of the United States, be paid for by the Government: Provided, however, that the valuation of such improvements shall not exceed the sum of twenty-five thousand dollars. And that there shall be one township of land adjoining the foregoing, equal to twenty-three thousand and forty acres laid off and granted for the use of the Brothertown Indians, who are to be paid by the Government the sum of one thousand six hundred dollars for the improvements on lands now in their possession, on the east side of Fox river, and which lands are to be relinquished by said Indians: also that a new line shall be run, parallel to the southwestern boundary line or course of the tract of five hundred thousand acres, described in the first article of this treaty, and set apart for the New York Indians, to commence at a point on the west side of the Fox river, and one mile above the Grand Shute, on Fox river, and at a sufficient distance from the said boundary line as established by the said first article, as shall comprehend the additional quantity of two hundred thousand acres of land on and along the west side of Fox river, without including any of the confirmed private land claims on the Fox river; and which two hundred thousand acres shall be a part of the five hundred thousand acres, intended to be set apart for the Six Nations of the New York Indians and the St. Regis tribe; and that an equal quantity to that which is added to the southwestern side shall be taken off from the northeastern side of the said tract described in that article, on the Oconto creek, to be determined by a commissioner to be appointed by the President of the United States; so that the whole number of acres to be granted to the Six Nations, and St. Regis tribe of Indians, shall not exceed the quantity originally stipulated by the treaty." And whereas, before the treaty aforesaid, *conditionally* ratified, according to the proviso to the resolution of the Senate, above recited, could be obligatory upon the said Menominee nation, their assent to the same must be had and obtained.

And whereas the honorable Lewis Cass, Secretary of the Department of War, by his letter of instructions of the eleventh day of September, A.D. 1832, did authorize and request George B. Porter, Governor of the Territory of Michigan, to proceed to Green Bay, and endeavor to procure the assent of the Menominees to the change proposed by the Senate, as above set forth; urging the necessity of directing his first efforts to an attempt to procure the unconditional assent of the Menominees to the said treaty, as ratified by the Senate. But should he fail in this object that he would then endeavor to procure their assent to the best practicable terms, short of those proposed by the Senate; giving them to understand that he merely received such proposition as they might make, with a view to transmit it for the consideration of the President and Senate of the United States. And if this course became necessary that it would be very desirable that the New York Indians should also signify their acceptance of the modifications required by the Menominees.

And whereas, in pursuance of the said instructions the said George B. Porter proceeded to Green Bay and having assembled all the chiefs and headmen of the Menominee nation, in council, submitted to them, on the twenty-second day of October A.D. one thousand eight hundred and thirty-two, the said proviso annexed to the resolution aforesaid of the Senate of the United States, for the ratification of the said treaty: and advised and urged on them the propriety of giving their assent to the same. And the said chiefs and headmen having taken time to deliberate and reflect on the proposition so submitted to them, and which they had been urged to assent to, did in the most positive and decided manner, refuse to give their assent to the same. (The many reasons assigned for this determination, by them, being reported in the journal of the said commissioner, which will be transmitted with this agreement.)

And whereas after failing in the object last stated, the said George B. Porter endeavored to procure the assent of the said chiefs and headmen of the Menominee nation to the best practicable terms short of those proposed by the Senate of the United States; and after much labor and pains, entreaty and persuasion, the said Menominees consented to the following, as the modifications which they would make; and which are reduced to writing, in the form of an agreement, as the best practicable terms which could be obtained from them, short of those proposed by the Senate of the United States, which they had previously positively refused to accede to. And as the modifications so made and desired, have been acceded to by the New York Indians, with a request that the treaty thus modified might be ratified and approved by the President and the Senate of the United States, it is the anxious desire of the Menominees also, that the treaty, with these alterations may be ratified and approved without delay, that they may receive the benefits and advantage secured to them by the several stipulations of the said treaty, of which they have so long been deprived.

Objects.

The following is the article of agreement made between the said George B. Porter, commissioner on the part of the United States, specially appointed as aforesaid, and the said Menominee nation, through their chiefs and headmen on the part of their nation.

Grant of land to the Stockbridge, Munsee, and Brothertown Indians.

FIRST. The said chiefs and headmen of the Menominee nation of Indians do not object to any of the matters contained in the proviso annexed to the resolution of the Senate of the United States, so far as the same relate to the granting of three townships of land on the east side of Winnebago Lake, to the Stockbridge, Munsee and Brothertown tribes; to the valuation and payment for their improvements, &c. (ending with the words *"and which* *lands are to be relinquished by said Indians."*) They therefore assent to the same.

SECOND. The said chiefs and headmen of the Menominee nation of Indians, objecting to all the matters contained in the said proviso annexed to the resolution of the Senate of the United States, so far as the same relate to the running of a new line parallel to the southwestern boundary line or course of the tract of five hundred thousand acres, described in the first article of the treaty, and set apart for the New York Indians, to commence at a point on the southwestern side of Fox river, and one mile above the Grand Shute, on Fox river, and at a sufficient distance from the said boundary line, as established by the said first article, as shall comprehend the additional quantity of two hundred thousand acres of land, on and along the west side of the Fox river, without including any of the confirmed private land claims, on the Fox river, to compose a part of the five hundred thousand acres intended to be set apart for the Six Nations of the New York Indians and St. Regis tribe, *agree* in lieu of this proposition, to set off a like quantity of two hundred thousand acres as follows: The said Menominee nation hereby agree to cede for the benefit of the New York Indians along the southwestern boundary line of the present five hundred thousand acres described in the first article of the treaty as set apart for the New York Indians, a tract of land; bounded as follows. Beginning on the said treaty line, at the old mill dam on Fox river, and thence extending up along Fox river to the little *Rapid Croche;* from thence running a northwest course three miles; thence on a line running parallel with the several courses of Fox river, and three miles distant from the river, until it will intersect a line, running on a northwest course, commencing at a point one mile above the Grand Shute; thence on a line running northwest, so far as will be necessary to include, between the said last line and the line described as the southwestern boundary line of the five hundred thousand acres in the treaty aforesaid, the quantity of two hundred thousand acres; and thence running northeast until it will intersect the line, forming the southwestern boundary line aforesaid; and from thence along the said line to the old mill dam, or place of beginning, containing two hundred thousand acres. Excepting and reserving therefrom the *privilege* of Charles A. Grignon, for erecting a mill on Apple creek, &c., as approved by the Department of War on the twenty-second day of April one thousand eight hundred and thirty-one and all confirmed private land claims on the Fox river. The lines of the said tract of land so granted to be run, marked and laid off without delay, by a commissioner to be appointed by the President of the United States. And that in exchange for the above, a quantity of land equal to that which is added to the southwestern side shall be taken off from the northeastern side of the said tract, described in that article, on the Oconto creek, to be run, marked and determined by the commissioner to be appointed by the President of the United States, as aforesaid, so that the whole number of acres to be granted to the Six Nations and St. Regis tribe of Indians, shall not exceed the quantity of five hundred thousand acres.

Cession of land for New York Indians.

Boundaries.

Reservation.

THIRD. The said chiefs and headmen of the Menominee nation agree, that in case the said original treaty, made as aforesaid, and the supplemental articles thereto, be ratified and confirmed at the ensuing session of the Senate of the United States, with the modifications contained in this agreement, that each and every article thereof shall be as binding and obligatory upon the parties respectively, as if they had been sanctioned at the times originally agreed upon.

Treaty binding when ratified.

In consideration of the above voluntary sacrifices of their interest, made by the said Menominee nation, and as evidence of the good feeling of their great father, the President of the United States, the said George B. Porter commissioner as aforesaid, has delivered to the said chiefs, headmen, and the people of the said Menominee nation here assembled, presents in clothing to the amount of one thousand dollars: five hundred bushels of corn, ten barrels of pork, and ten barrels of flour, &c. &c.

Presents.

In witness whereof, we have hereunto set our hands and seals, at the Agency House, at Green Bay, this twenty-seventh day of October, in the year of our Lord one thousand eight hundred and thirty-two.

G.B. Porter, Commissioner of the United States, [L.S.]
Kausk-kan-no-naive, grizzly bear, his x mark, [L.S.]
Osh-rosh, the brave, (by his brother fully empowered to act,) [L.S.]
Osh-ke-e-na-neur, the young man, his x mark, [L.S.]
A-ya-mah-ta, fish spawn, his x mark, [L.S.]
Pe-wait-enaw, rain, his x mark, [L.S.]
Che-na-po-mee, one that is looked at, his x mark, [L.S.]
Ko-ma-ni-kin, big wave, his x mark, [L.S.]
Ke-shee-a-quo-teur, the flying cloud, his x mark, [L.S.]
Wain-e-saut, one who arranges the circle, (by his son, Wa-kee-che-on-a-peur,) his x mark, [L.S.]
Ke-shoh, the sun, (by his son, A-pa-ma-chao, shifting cloud,) his x mark, [L.S.]
Ma-concee-wa-be-no-chee, bear's child, his x mark, [L.S.]
Wa-bose, the rabbit, his x mark, [L.S.]
Shaw-e-no-ge-shick, south sky, his x mark, [L.S.]
Ac-camut, the prophet, his x mark, [L.S.]
Mas-ka-ma-gee, his x mark, [L.S.]
Sho-ne-on, silver, his x mark, [L.S.]
Maw-baw-so, pale color, his x mark, [L.S.]
Paw-a-ko-neur, big soldier, (by his representative, Che-kaw-mah-kee-shen,) his x mark, [L.S.]

Sealed and delivered, in the presence of—

George Boyd, United States Indian agent,
Charles A. Grignon, interpreter,
Samuel Abbott,
Joshua Boyer, secretary,
James M. Boyd,
Richard Pricket, his x mark, interpreter,
Henry S. Baird,
R.A. Forsyth, paymaster U.S. Army,
B.B. Kercheval,
Ebenezer Childs.

APPENDIX.

Oct. 27, 1832.

7 Stat., 409

To all to whom these presents shall come, the undersigned, Chiefs and Headmen of the sundry tribes of New York Indians, (as set forth in the specifications annexed to their signatures,) send greeting:

WHEREAS a tedious, perplexing and harassing dispute and controversy have long existed between the Menominee nation of Indians and the New York Indians, more particularly known as the Stockbridge, Munsee and Brothertown tribes, the Six Nations and St. Regis tribe. The treaty made between the said Menominee nation, and the United States, and the conditional ratification thereof by the Senate of the United States, being stated and set forth in the within agreement, entered into between the chiefs and headmen of the said Menominees, and George B. Porter, Governor of Michigan, commissioner specially appointed, with instructions referred to in the said agreement. And whereas the undersigned are satisfied, and believe that the best efforts of the said commissioner were directed and used to procure, if practicable, the unconditional assent of the said Menominees to the change proposed by the Senate of the United States in the ratification of the said treaty: but without success. And whereas the undersigned further believe that the terms stated in the within agreement are the best practicable terms, short of those proposed by the Senate of the United States, which could be obtained from the said Menominees; and being asked to signify our acceptance of the modifications proposed as aforesaid by the Menominees, we are compelled, by a sense of duty and propriety to say that we do hereby accept of the same. So far as the tribes to which we belong are concerned, we are perfectly satisfied, that the treaty should be ratified on the terms proposed by the Menominees. We further believe that the tract of land which the Menominees in the within agreement, are willing to cede, in exchange for an equal quantity on the northeast side of the tract of five hundred thousand acres, contains a sufficient quantity of good land, favorably and advantageously situated, to answer all the wants of the New York Indians, and St. Regis tribe. For the purpose, then, of putting an end to strife, and that we may all sit down in peace and harmony, we thus signify our acceptance of the modifications proposed by the Menominees: and we most respectfully request that the treaty as now modified by the agreement this day entered into with the Menominees, may be ratified and approved by the President and Senate of the United States.

Acceptance, on the part of the tribes interested, of the modifications proposed by the Menominee.

In witness whereof, we have hereunto set our hands and seals, at the Agency House at Green Bay, this twenty-seventh day of October, in the year of our Lord one thousand eighteen hundred and thirty-two.

G.B. Porter, commissioner on behalf of the United States, [L.S.]
For, and on behalf of, the Stockbridges and Munsees:
John Metoxen, [L.S.]
John W. Quinny, [L.S.]
Austin Quinny, [L.S.]
Jacob Chicks, [L.S.]
Robert Konkopa, his x mark, [L.S.]
Thos. J. Hendrick, [L.S.]
Benjamin Palmer, his x mark, [L.S.]
Sampson Medyard, [L.S.]
Capt. Porter, his x mark, [L.S.]
For, and on behalf of, the Brothertowns:
William Dick, [L.S.]
Daniel Dick, [L.S.]
Elcanah Dick, his x mark, [L.S.]
For, and on behalf of, the Six Nations and St. Regis tribe:
Daniel Bread, [L.S.]
John Anthony Brant, his x mark, [L.S.]
Henry Powles, his x mark, [L.S.]
Nathaniel Neddy, his x mark, [L.S.]
Cornelius Stevens, his x mark, [L.S.]
Thomas Neddy, his x mark, [L.S.]

Sealed, and delivered, in the presence of—

George Boyd, United States Indian agent,
R.A. Forsyth, paymaster U.S. Army,
Charles A. Grignon, interpreter,
Samuel Abbott,
Joshua Boyer, secretary,
B.B. Kercheval,
Eben. Childs,
Henry S. Baird,
Peter B. Grignon,
Hanson Johnson,
James M. Boyd,
Richard Pricket, his x mark, interpreter.

Treaty 14

Author's Introduction. Shortly after the Black Hawk War, there were increasing cries for the removal of all Indian tribes from Wisconsin. Even though the Winnebagos (now known as the Ho-Chunks) in many cases had helped the U.S. government and *not* Black Hawk and his band, they were still punished. Local settlers, fearing another Indian uprising, pressured the tribe to sell their lands. The tribe ceded an additional 2,816,000 acres of land, for which the U.S. government promised them about $440,000.

This treaty with the Winnebagos was the first that the tribe signed after passage of the 1830 Indian Removal Act, and the document did have a removal clause. The Winnebagos were to remove west of the Mississippi River to the area that the U.S. government called the Neutral Ground in Iowa, which was a disputed strip of land between the warring Sac and Fox and the Sioux tribes. Despite strong government pressure, few Winnebagos moved west at this time, for many feared the hostility of their proposed neighbors.

The Treaty of 1832 was also the first treaty with the tribe that included provisions for a school. Article four provided funding for this purpose and designated who would supervise the school. Farmers and blacksmiths were also to be provided to help the Winnebago become better farmers, and money was designated to pay for the services of a physician for the tribe.

This treaty had other important provisions. It set aside sections in the ceded areas to be given to a few mixed-bloods of the tribe. The treaty did not reserve any rights for the tribe on the ceded lands; in fact, it specifically denied the tribe's right to hunt and grow crops on the ceded area.

Treaty between the United States and the Winnebago Nation (1832)

Oratory

The speech of White Crow, one of the treaty's signers, was recorded in the document, Memo of a "Talk held at Four Lakes, April 29, 1833, with the Winnebago nation of Indians of Rock River." (*Letters Received, Winnebago Agency*) He reminds the federal government of its promises in the recently passed agreement.

> White Crow
>
> . . . Last summer [1832] we all met at Rock Isl^{d}. We recollect what passed between us and Gen^{l} Scott,—Gen^{l} S. was sent to purchase our Country— I said I had no objection. Many of my nation in consequence appears dissatisfied, but that can easily be settled. A great deal of provisions has been promised to us; a part only has been delivered to us. If we were well supplied with provisions, we would not think it so hard to remove from this country—but we know we will suffer, and it is for this reason we should like much to remain for this season in this country . . . .

Complete Written Document

Sept. 15. 1832.

7 Stat., 370.

Proclamation, Feb. 13, 1833.

Articles of a treaty made and concluded, at Fort Armstrong, Rock Island, Illinois, between the United States of America, by their Commissioners, Major General Winfield Scott of the United States' Army, and his Excellency John Reynolds, Governor of the State of Illinois, and the Winnebago nation of Indians, represented in general Council by the undersigned Chiefs, Headmen, and Warriors.

Cession to the United States.

ARTICLE I. The Winnebago nation hereby cede to the United States, forever, all the lands, to which said nation have title or claim, lying to the south and east of the Wisconsin river, and the Fox river of Green Bay; bounded as follows, viz: beginning at the mouth of the Pee-kee-tol a-ka river; thence up Rock river to its source; thence, with a line dividing the Winnebago nation from other Indians east of the Winnebago lake, to the Grande Chûte; thence, up Fox river to the Winnebago lake, and with the northwestern shore of said lake, to the inlet of Fox river; thence, up said river to lake Puckaway, and with the eastern shore of the same to its most southeasterly bend; thence with the line of a purchase made of the Winnebago nation, by the treaty at Prairie du Chêne, the first day of August, one thousand eight hundred and twenty-nine, to the place of beginning.

Cession by the United States.

ARTICLE II. In part consideration of the above cession, it is hereby stipulated and agreed, that the United States grant to the Winnebago nation, to be held as other Indian lands are held, that part of the tract of country on the west side of the Mississippi, known, at present, as the Neutral ground, embraced within the following limits, viz: beginning on the west bank of the Mississippi river, twenty miles above the mouth of the upper Ioway river, where the line of the lands purchased of the Sioux Indians, as described in the third article of the treaty of Prairie du Chien, of the fifteenth day of July, one thousand eight hundred and thirty, begins; thence, with said line, as surveyed and marked, to the eastern branch of the Red Cedar creek, thence, down said creek, forty miles, in a straight line, but following its windings, to the line of a purchase, made of the Sac and Fox tribes of Indians, as designated in the second article of the before recited treaty; and thence along the southern line of said last mentioned purchase, to the Mississippi, at the point marked by the surveyor, appointed by the President of the United States, on the margin of said river; and thence, up said river, to the place of beginning. The exchange of the two tracts of country to take place on or before the first day of June next; that is to say, on or before that day, all the Winnebagoes now residing within the country ceded by them, as above, shall leave the said country, when, and not before, they shall be allowed to enter upon the country granted by the United States, in exchange.

Annuity for 27 years.

ARTICLE III. But, as the country hereby ceded by the Winnebago nation is more extensive and valuable than that given by the United States in exchange; it is further stipulated and agreed, that the United States pay to the Winnebago nation, annually, for twenty-seven successive years, the first payment to be made in September of the next year, the sum of ten thousand dollars, in specie; which sum shall be paid to the said nation at Prairie du Chien, and Fort Winnebago, in sums proportional to the numbers residing most conveniently to those places respectively.

School to be established and supported by the United States.

ARTICLE IV. It is further stipulated and agreed, that the United States shall erect a suitable building, or buildings, with a garden, and a field attached, somewhere near Fort Crawford, or Prairie du Chien, and establish and maintain therein, for the term of twenty-seven years, a school for the education, including clothing, board, and lodging, of such Winnebago children as may be voluntarily sent to it: the school to be conducted by two or more teachers, male and female, and the said children to be taught reading, writing, arithmetic, gardening, agriculture, carding, spinning, weaving, and sewing, according to their ages and sexes, and such other branches of useful knowledge as the President of the United States may prescribe:

Proviso.

Provided, That the annual cost of the school shall not exceed the sum of three thousand dollars. And, in order that the said school may be productive of the greatest benefit to the Winnebago nation, it is hereby subjected to the visits and inspections of his Excellency the Gouvernor of the State of Illinois for the time being; the United States' General Superintendents of Indian affairs; of the United States' agents who may be appointed to reside among the Winnebago Indians, and of any officer of the United States' Army, who may be of, or above the rank of Major: *Provided*, That the commanding officer of Fort Crawford shall make such visits and inspections frequently, although of an inferior rank.

Annual allowance for 27 years.

ARTICLE V. And the United States further agree to make to the said nation of Winnebago Indians the following allowances, for the period of twenty-seven years, in addition to the considerations herein before stipulated; that is to say: for the support of six agriculturists, and the purchase of twelve yokes of oxen, ploughs, and other agricultural implements, a sum not exceeding two thousand five hundred dollars per annum; to the Rock river band of Winnebagoes, one thousand five hundred pounds of tobacco, per annum; for the services and attendance of a physician at Prairie du Chien, and of one at Fort Winnebago, each, two hundred dollars, per annum.

Blacksmith's shop.

ARTICLE VI. It is further agreed that the United States remove and maintain, within the limits prescribed in this treaty, for the occupation of the Winnebagoes, the blacksmith's shop, with the necessary tools, iron, and steel, heretofore allowed to the Winnebagoes, on the waters of the Rock river, by the third article of the treaty made with the Winnebago nation, at Prairie du Chien, on the first day of August, one thousand eight hundred and twenty-nine.

Rations of bread, etc.

ARTICLE VII. And it is further stipulated and agreed by the United States, that there shall be allowed and issued to the Winnebagoes, required by the terms of this treaty to remove within their new limits, soldiers' rations of bread and meat, for thirty days: *Provided*, That the whole number of such rations shall not exceed sixty thousand.

Payment to be made by United States to certain individuals.

ARTICLE VIII. The United States, at the request of the Winnebago nation of Indians, aforesaid, further agree to pay, to the following named persons, the sums set opposite their names respectively, viz:

To Joseph Ogee, two hundred and two dollars and fifty cents,

To William Wallace, four hundred dollars, and

To John Dougherty, four hundred and eighty dollars; amounting, in all, to one thousand and eighty-two dollars and fifty cents, which sum is in full satisfaction of the claims brought by said persons against said Indians, and by them acknowledged to be justly due.

Individuals to be delivered up to United States.

ARTICLE IX. On demand of the United States' Commissioners, it is expressly stipulated and agreed, that the Winnebago nation shall promptly seize and deliver up to the commanding officer of some United States' military post, to be dealt with according to law, the following individual Winnebagoes, viz: Koo-zee-ray-Kaw, Moy-che-nun-Kaw, Tshik-o-ke-maw-kaw, Ah-hun-see-kaw, and Waw-zee-ree-kay-hee-wee-kaw, who are accused of murdering, or of being concerned in the murdering of certain American citizens, at or near the Blue mound, in the territory of Michigan; Nau-saw-nay-he-kaw, and Toag-ra-naw-koo-ray-see-ray-kaw: who are accused of murdering, or of being concerned in murdering, one or more American citizens, at or near Killogg's Grove, in the State of Illinois; and also Waw-kee-aun-shaw and his son, who wounded, in attempting to kill, an American soldier, at or near Lake Kosh-ke-nong, in the said territory: all of which offenses were committed in the course of the past spring and summer. And till these several stipulations are faithfully complied with by the Winnebago nation, it is further agreed that the payment of the annuity of ten thousand dollars, secured by this treaty, shall be suspended.

Lands to be granted by United States.

ARTICLE X. At the special request of the Winnebago nation, the United States agree to grant, by patent, in fee simple, to the following named persons, all of whom are Winnebagoes by blood, lands as follows: to Pierre Paquette, three sections; to Pierre Paquette, junior, one section; to Therese Paquette one section; and to Caroline Harney, one section. The lands to be designated under the direction of the President of the United States, within the country herein ceded by the Winnebago nation.

Winnebagoes not to hunt, etc., in country ceded.

ARTICLE XI. In order to prevent misapprehensions that might disturb peace and friendship between the parties to this treaty, it is expressly understood that no band or party of Winnebagoes shall reside, plant, fish, or hunt after the first day of June next, on any portion of the country herein ceded to the United States.

Treaty binding when ratified.

ARTICLE XII. This treaty shall be obligatory on the contracting parties, after it shall be ratified by the President and Senate of the United States.

Done at Fort Armstrong, Rock Island, Illinois, this fifteenth day of September, one thousand eight hundred and thirty-two.

Winfield Scott,
John Reynolds.
Prairie du Chien deputation:
Tshee-o-nuzh-ee-kaw, war chief, (Kar-ray-mau-nee,) his x mark,
Wau-kaun-hah-kaw, or snake skin, (Day-kan-ray,) his x mark,
Khay-rah-tshoan-saip-kaw, or black hawk, his x mark,
Wau-kaun-kaw, or snake, his x mark,
Sau-sau-mau-nee-kaw, or he who walks naked, his x mark,
Hoont[illegible]-skaw-skaw, or white bear, his x mark,
Hoo-tshoap-kaw, or four legs, his x mark,
Mau-hee-her-kar-rah, or flying cloud, son of dog head, his x mark,
Tshah-shee-rah-wau-kaw, or he who takes the leg of a deer in his mouth, his x mark.
Mau-kee-wuk-kaw, or cloudy, his x mark,
Ho-rah-paw-kaw, or eagle head, his x mark,
Pash-kay-ray-kaw, or fire holder, his x mark,
Eezhook-hat-tay-kaw, or big gun, his x mark,
Mau-wau-ruck, or the muddy, his x mark,
Mau-shoatsh-kaw, or blue earth, his x mark,
Wee-tshah-un-kuk, or forked tail, his x mark,
Ko-ro-ko-ro-hee-kaw, or bell, his x mark.
Haun-heigh-kee-paw-kaw, or the night that meets, his x mark.
Fort Winnebago deputation:
Hee-tshah-wau-saip-skaw-skaw, or white war eagle, De-kaw-ray, sr., his x mark,
Hoo-wau-nee-kaw, or little elk, (orator,) one of the Kay-ra-men-nees, his x mark,
Wau-kaun-tshah-hay-ree-kaw, or roaring thunder, four legs nephew, his x mark,
Mau-nah-pey-kaw, or soldier, (black wolf's son,) his x mark,
Wau-kaun-tshah-ween-kaw, or whirling thunder, his x mark,
Wau-nee-ho-no-nik, or little walker, son of firebrand, his x mark,
To-shun-uk-ho-no-nik, or little otter, son of sweet corn, his x mark,
Tshah-tshun-hat-tay-kaw, or big wave, son of clear sky, his x mark.
Rock River deputation:
Kau-ree-kaw-see-kaw, white crow, (the blind,) his x mark,
Wau-kaun-ween-kaw, or whirling thunder, his x mark,
Mo-rah-tshay-kaw, or little priest, his x mark,
Mau-nah-pey-kaw, or soldier, his x mark,
Ho-rah-hoank-kaw, or war eagle, his x mark,
Nautsh-kay-peen-kaw, or good heart, his x mark,
Keesh-koo-kaw, his x mark,
Wee-tshun-kaw, or goose, his x mark,
Wau-kaun-nig-ee-nik, or little snake, his x mark,
Hoo-way-skaw, or white elk, his x mark,
Hay-noamp-kaw, or two horns, his x mark,
Hauk-kay-kaw, or screamer, his x mark,
Ee-nee-wonk-shik-kaw, or stone man, his x mark.

Signed in the presence of—

R. Bache, captain ordnance, secretary to the commission,
John H. Kinzie, subagent Indian affairs,
Abrm. Eustis,

H. Dodge, major U.S. Rangers,
Alexr. R. Thompson, major U.S. Army,
William S. Harney, captain First Infantry,
E. Kirby, paymaster U.S. Army,
Albion T. Crow,
J.R. Smith, first lieutenant Second Infantry,
H. Day, lieutenant Second Infantry,
William Maynadier, lieutenant and A.D.C.
P.G. Hambaugh,
S. Burbank, lieutenant First Infantry,
John Marsh,
Pierre Paquette, interpreter, his x mark,
P.H. Galt, assistant adjutant-general,
S.W. Wilson,
Benj. F. Pike,
J.B.F. Russell, captain Fifth Infantry,
S. Johnson, captain Second Infantry,
John Clitz, adjutant Second Infantry,
Jno. Pickell, lieutenant Fourth Artillery,
A. Drane, assistant quartermaster U.S.A,
J.H. Prentiss, lieutenant First Artillery,
E. Rose, lieutenant Third Artillery,
L.J. Beall, lieutenant First Infantry,
Antoine Le Claire.

Treaty 15

Author's Introduction. In this treaty, which is usually referred to as the Chicago Treaty, the Indian communities known to the government as the United Nations of Chippewa, Ottawa, and Potawatomi Indians ceded their remaining lands in southeastern Wisconsin. In return, the United States provided the Indians with lands west of the Mississippi River along with cash payments, promises of annuities, and moneys for schools.

While the provisions for land and money appear quite favorable for the Indians, fraud and deceit quickly diminished any benefits. Though the treaty specified well-watered lands along the Missouri River for the tribes, these lands were exchanged, in a disputed amendment to the treaty, for treeless prairie lands in western Iowa. The Kinzie and Forsyth families, who were long-time Indian traders and agents, probably benefited more than the tribes, for they and their allies were awarded at least $100,000 by the American treaty commissioners. These two families also benefited, as did other traders, in the sale of the often over-priced and shoddy trade goods to the Indians.

The treaty did not require the immediate removal of the Indians from Wisconsin, but all were to move west within three years. For many of the Potawatomis and their Chippewa and Ottawa neighbors, this marked the start of a removal odyssey, that is rivaled in complexity and hardship only by that of the Winnebagos (now known as the Ho-Chunks).

Treaty of Chicago between the United States and the United Nations of Chippewa, Ottawa, Potawatomi Indians (1833)

Commentary

In his book, *The Potawatomis: Keepers of the Fire,* historian R. David Edmunds describes the response of the tribes to removal. (Edmunds, 1978, p. 247)

> . . . September 14, 1833, more than six thousand Indians had assembled at Chicago. At first the Potawatomis seemed reluctant to sell. Speaking for the tribesmen, Aptakisic (Half Day), a chief from the Fox River, informed the commissioners that the Potawatomis had no intention of exchanging their lands along the western shore of Lake Michigan for unknown areas in the West. Claiming that the tribesmen had assembled only to receive their annuities, Aptakisic requested that the payments be made so that the Indians could return to their villages and harvest their corn.
>
> Although the commissioners expressed surprise at Aptakisic's statement, they knew the Potawatomis eventually would sell their lands and were only attempting to get a high price . . . .

Complete Written Document

Sept. 26, 1833.

7 Stat., 431.

Proclamation, Feb. 21, 1835.

Articles of a treaty made at Chicago, in the State of Illinois, on the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and thirty-three, between George B. Porter, Thomas J.V. Owen and William Weatherford, Commissioners on the part of the United States of the one part, and the United Nation of Chippewa, Ottowa and Potawatamie Indians of the other part, being fully represented by the Chiefs and Head-men whose names are hereunto subscribed—which Treaty is in the following words, to wit:

Lands ceded to United States.

ARTICLE 1st.—The said United Nation of Chippewa, Ottowa, and Potawatamie Indians, cede to the United States all their land, along the western shore of Lake Michigan, and between this Lake and the land ceded to the United States by the Winnebago nation, at the treaty of Fort Armstrong made on the 15th September 1832—bounded on the north by the country lately ceded by the Menominees, and on the south by the country ceded at the treaty of Prairie du Chien made on the 29th July 1829—supposed to contain about five millions of acres.

Lands west of the Mississippi assigned to the Indians.

ARTICLE 2d—In part consideration of the above cession it is hereby agreed, that the United States shall grant to the said United Nation of Indians to be held as other Indian lands are held which have lately been assigned to emigrating Indians, a tract of country west of the Mississippi river, to be assigned to them by the President of the United States—to be not less in quantity than five millions of acres, and to be located as follows: beginning at the mouth of Boyer's river on the east side of the Missouri river, thence down the said river to the mouth of Naudoway river, thence due east to the west line of the State of Missouri, thence along the said State line to the northwest corner of the State, thence east along the said State line to the point where it is intersected by the western boundary line of the Sacs and Foxes—thence north along the said line of the Sacs and Foxes, so far as that when a straight line shall be run therefrom to the mouth of Boyer's river (the place of beginning) it shall include five millions of acres. And as it is the wish of the Government of the United States that the said nation of Indians should remove to the country thus assigned to them as soon as conveniently can be done; and it is deemed advisable on the part of their Chiefs and Headmen that a deputation should visit the said country west of the Mississippi and thus be assured that full justice has been done, it is hereby stipulated that the United States will defray the expenses of such deputation, to consist of not more than fifty persons, to be accompanied by not more than five individuals to be nominated by themselves, and the whole to be under the general direction of such officer of the United States Government as has been or shall be designated for the purpose.—And it is further agreed that as fast as the said Indians shall he prepared to emigrate, they shall be removed at the expense of the United States, and shall receive subsistence while upon the journey, and for one year after their arrival at their new homes.—It being understood, that the said Indians are to remove from all that part of the land now ceded, which is within the State of Illinois, immediately on the ratification of this treaty, but to be permitted to retain possession of the country north of the boundary line of the said State, for the term of three years, without molestation or interruption and under the protection of the laws of the United States.

Moneys to be paid by United States.

ARTICLE 3d—And in further consideration of the above cession, it is agreed, that there shall be paid by the United States the sums of money hereinafter mentioned: to wit.

One hundred thousand dollars to satisfy sundry individuals, in behalf of whom reservations were asked, which the Commissioners refused to grant: and also to indemnify the Chippewa tribe who are parties to this treaty for certain lands along the shore of Lake Michigan, to which they make claim, which have been ceded to the United States by the Menominee Indians—the manner in which the same is to be paid is set forth in Schedule "A" hereunto annexed.

One hundred and fifty thousand dollars to satisfy the claims made against the said United Nation which they have here admitted to be justly due, and directed to be paid, according to Schedule "B" hereunto annexed.

One hundred thousand dollars to be paid in goods and provisions, a part to be delivered on the signing of this treaty and the residue during the ensuing year.

Two hundred and eighty thousand dollars to be paid in annuities of fourteen thousand dollars a year, for twenty years.

One hundred and fifty thousand dollars to be applied to the erection of mills, farm houses, Indian houses and blacksmith shops, to agricultural improvements, to the purchase of agricultural implements and stock, and for the support of such physicians, millers, farmers, blacksmiths and other mechanics, as the President of the United States shall think proper to appoint.

Fund for the purposes of education, etc.

Seventy thousand dollars for purposes of education and the encouragement of the domestic arts, to be applied in such manner, as the President of the United States may direct.—[The wish of the Indians being expressed to the Commissioners as follows: The united nation of Chippewa, Ottowa and Potawatamie Indians being desirous to create a perpetual fund for the purposes of education and the encouragement of the domestic arts, wish to invest the sum of seventy thousand dollars in some safe stock, the interest of which only is to be applied as may be necessary for the above purposes. They therefore request the President of the United States, to make such investment for the nation as he may think best. If however, at any time hereafter, the said nation shall have made such advancement in civilization and have become so enlightened as in the opinion of the President and Senate of the United States they shall be capable of managing so large a fund with safety they may withdraw the whole or any part of it.]

Annuities.

Four hundred dollars a year to be paid to Billy Caldwell, and three hundred dollars a year, to be paid to Alexander Robinson, for life, in addition to the annuities already granted them—Two hundred dollars a year to be paid to Joseph Lafromboise and two hundred dollars a year to be paid to Shabehnay, for life.

Payments for sections of land.

Two thousand dollars to be paid to Wau-pon-eh-see and his band, and fifteen hundred dollars to Awn-kote and his band, as the consideration for nine sections of land, granted to them by the 3d Article of the Treaty of Prairie du Chien of the 29th of July 1829 which are hereby assigned and surrendered to the United States.

Where annuities shall be paid.

ARTICLE 4th.—A just proportion of the annuity money, secured as well by former treaties as the present, shall be paid west of the Mississippi to such portion of the nation as shall have removed thither during the ensuing three years.—After which time, the whole amount of the annuities shall be paid at their location west of the Mississippi.

ARTICLE 5th.—[Stricken out.]

Treaty binding when ratified.

This treaty after the same shall have been ratified by the President and Senate of the United States, shall be binding on the contracting parties.

In testimony whereof, the said George B. Porter, Thomas J.V. Owen, and William Weatherford, and the undersigned chiefs and head men of the said nation of Indians, have hereunto set their hands at Chicago, the said day and year.

G.B. Porter,
Th. J.V. Owen,
William Weatherford,
To-pen-e-bee, his x mark,
Ob-wa-qua-unk, his x mark,
N-saw-way-quet, his x mark,
Puk-quech-a-min-nee, his x mark,
Nah-che-wine, his x mark,
Ke-wase, his x mark,
Wah-bou-seh, his x mark,
Mang-e-sett, his x mark,
Caw-we-saut, his x mark,
Ah-be-te-ke-zhic, his x mark,
Pat-e-go-shuc, his x mark,
E-to-wow-cote, his x mark,
Shim-e-nah, his x mark,
O-chee-pwaise, his x mark,
Ce-nah-ge-win, his x mark,
Shaw-waw-nas-see, his x mark,
Shab-eh-nay, his x mark,
Mac-a-ta-o-shic, his x mark,
Squah-ke-zic, his x mark,
Mah-che-o-tah-way, his x mark,
Cha-ke-te-ah, his x mark,
Me-am-ese, his x mark,
Shay-tee, his x mark,

Kee-new, his x mark,
Ne-bay-noc-scum, his x mark,
Naw-bay-caw, his x mark,
O'Kee-mase, his x mark,
Saw-o-tup, his x mark,
Me-tai-way, his x mark,
Na-ma-ta-way-shuc, his x mark,
Shaw-waw-nuk-wuk, his x mark,
Nah-che-wah, his x mark,
Sho-bon-nier, his x mark,
Me-nuk-quet, his x mark,
Chis-in-ke-bah, his x mark,
Mix-e-maung, his x mark,
Nah-bwait, his x mark,
Sau-ko-noek,
Che-che-bin-quay, his x mark,
Joseph, his x mark,
Wah-mix-i-co, his x mark,
Sen-e-bau-um, his x mark,
Puk-won, his x mark,
Wa-be-no-say, his x mark,
Mon-tou-ish, his x mark,
No-nee, his x mark,
Mas-quat, his x mark,
Sho-min, his x mark,
Ah-take, his x mark,
He-me-nah-wah, his x mark,
Che-pec-co-quah, his x mark,
Mis-quab-o-no-quah, his x mark,
Wah-be-Kai, his x mark,
Ma-ca-ta-ke-shic, his x mark,
Sho-min, (2d.) his x mark,
She-mah-gah, his x mark,
O'ke-mah-wah-ba-see, his x mark,
Na-mash, his x mark,
Shab-y-a-tuk, his x mark,
Ah-cah-o-mah, his x mark,
Quah-quah, tah, his x mark,
Ah-sag-a-mish-cum, his x mark,
Pa-mob-a-mee, his x mark,
Nay-o-say, his x mark,
Ce-tah-quah, his x mark,
Ce-ku-tay, his x mark,
Sauk-ee, his x mark,
Ah-quee-wee, his x mark,
Ta-cau-ko, his x mark,
Me-shim-e-nah, his x mark,
Wah-sus-kuk, his x mark,
Pe-nay-o-cat, his x mark,
Pay-maw-suc, his x mark,
Pe-she-ka, his x mark,
Shaw-we-mon-e-tay, his x mark,
Ah-be-nab, his x mark,
Sau-sau-quas-see, his x mark.

In presence of—

Wm. Lee D. Ewing, secretary to commission,
E.A. Brush,
Luther Rice, interpreter,
James Conner, interpreter,
John T. Schermerhorn, commissioner, etc. west,
A.C. Pepper, S.A.R.P.
Gho. Kercheval, sub-agent,
Geo. Bender, major, Fifth Regiment Infantry,
D. Wilcox, captain, Fifth Regiment,
J.M. Baxley, captain, Fifth Infantry,
R.A. Forsyth, U.S. Army,
L.T. Jamison, lieutenant, U.S. Army,
E.K. Smith, lieutenant, Fifth Infantry,
P. Maxwell, assistant surgeon,
J. Allen, lieutenant, Fifth Infantry,
I.P. Simonton, lieutenant, U.S. Army,
George F. Turner, assistant surgeon, U.S. Army,
Richd. J. Hamilton,
Robert Stuart,
Jona. McCarty,
Daniel Jackson, of New York,
Jno. H. Kinzie,
Robt. A. Kinzie,
G.S. Hubbard,
J.C. Schwarz, adjutant general M.M.
Jn. B. Beaubrier,
James Kinzie,
Jacob Beeson,
Saml. Humes Porter,
Andw. Porter,
Gabriel Godfroy,
A.H. Arndt,
Laurie Marsh,
Joseph Chaunier,
John Watkins,
B.B. Kercheval,
Jas. W. Berry,
Wm. French,
Thomas Forsyth,
Pierre Menard, Fils,
Edmd. Roberts,
Geo. Hunt,
Isaac Nash.

SCHEDULE "A."

(Referred to in the Treaty, containing the sums payable to Individuals in lieu of Reservations.)

	Dollars.
Jesse Walker	1500
Henry Cleveland	800
Rachel Hall	600
Sylvia Hall	600
Joseph Laframboise and children	1000

		Dollars.
Victoire Porthier and her children		700
Jean Bt. Miranda	For each of whom John H. Kinzie is Trustee	300
Jane Miranda		200
Rosetta Miranda		300
Thomas Miranda		400
Alexander Muller, Gholson Kercheval, trustee		800
Paschal Muller, do. do.		800
Margaret Muller		200
Socra Muller		200
Angelique Chevalier		200
Josette Chevallier		200
Joseph Chevalier		400
Fanny Leclare (Captain David Hunter, Trustee)		400
Daniel Bourassa's children		600
Nancy Contraman	For each of whom J.B. Campbell is Trustee	600
Sally Contraman		
Betsy Contrman		
Alexis Laframboise		800
Alexis Laframbois' children		1200
Mrs. Mann's children		600
Mrs. Mann (daughter of Antoine Ouilmet)		400
Geo. Turkey's children (Fourtier) Th. J.V. Owen Trustee		500
Jacques Chapeau's children do. do.		600
Antonie Roscum's children		750
Francois Burbonnais' Senrs. children		400
Francis Burbonnais' Jnr. children		300
John Bt. Cloutier's children, (Robert A. Kinsie Trustee)		600
Claude Lafromboise's children		300
Antoine Ouilmet's children		200
Josette Ouilmot (John H. Kinzie, Trustee)		200
Mrs. Welsh (daughter of Antoine Ouilmet)		200
Alexander Robinson's children		400
Billy Caldwell's children		600
Mo-ah-way		200
Medare B. Beaubien		300
Charles H. Beaubien		300
John K. Clark's Indian children, (Richard J. Hamilton, Trustee)		400
Josette Juno and her children		1000
Angelique Juno		300
Josette Beaubien's children		1000
Mah-go-que's child (James Kinzie, Trustee)		300
Esther, Rosene and Eleanor Bailly		500
Sophia, Hortense and Therese Bailly		1000
Rosa and Mary children of Hoo-mo-ni-gah wife of Stephen Mack		600
Jean Bt. Rabbu's children		400
Francis Chevallier's children		800
Mrs. Nancy Jamison and child		800
Co-pah, son of Archange		250
Martha Burnett (R.A. Forsyth, Trustee)		1000
Isadore Chabert's child (G.S. Hubbard Trustee)		400
Chee-bee-quai or Mrs. Allen		500
Luther Rice and children		2500
John Jones		1000
Pierre Corbonno's Children		800
Pierre Chalipeaux's children		1000
Phoebe Treat and children		1000
Robert Forsyth of St. Louis Mo		500
Alexander Robinson		5000
Billy Caldwell		5000
Joseph Laframboise		3000
Nis noan see (B.B. Kercheval Trustee)		200
Margaret Hall		1000
James, William, David and Sarah children of Margaret Hall		3200

	Dollars.
Margaret Ellen Miller, Montgomery Miller and Finly Miller, grandchildren of Margaret Hall. } for each of whom Richard J. Hamilton of Chicago is Trustee	800
Jean Letendre's children	200
Bernard Grignon	100
Josette Polier	100
Joseph Vieux, Jacques Vieux, Louis Vieux, and Josette Vieux each $100	400
Angelique Hardwick's children	1800
Joseph Bourassa and Mark Bourassa	200
Jude Bourassa and Therese Bourassa	200
Stephen Bourassa and Gabriel Bourassa	200
Alexander Bourassa and James Bourassa	200
Elai Bourassa and Jerome Bourassa	200
M.D. Bourassa	100
Ann Rice and her Son William M. Rice and Nephew John Leib	1000
Agate Biddle and her children	900
Magdaline Laframboise and her son	400
Therese Schandler	200
Joseph Dailly's son and daughter Robert and Therese	500
Therese Lawe and George Lawe	200
David Lawe and Rachel Lawe	200
Rebecca Lawe and Maria Lawe	200
Polly Lawe and Jane Lawe	200
Appotone Lawe	100
Angelique Vieux and Amable Vieux	200
Andre Vieux and Nicholas Vieux	200
Pierre Vieux and Maria Vieux	200
Madaline Thibeault	100
Paul Vieux and Joseph Vieux	200
Susanne Vieux	100
Louis Grignon and his son Paul	200
Paul Grignon Sen'r. and Amable Grignon	200
Perish and Robert Grignon	200
Catist Grignon and Elizabeth Grignon	200
Ursal Grignon and Charlotte Grignon	200
Louise Grignon and Rachel Grignon	200
Agate Porlier and George Grignon	200
Amable Grignon and Emily Grignon	200
Therese Grignon and Simon Grignon	200
William Burnett (B.B. Kercheval Trustee)	1000
Shan-na-nees	400
Josette Beaubien	500
For the Chippewa, Ottawa, and Potawatamie Students at the Choctaw Academy. The Hon. R.M. Johnson to be the Trustee.	5000
James and Richard J. Conner	700
Pierre Duverney and Children	300
Joshua Boyd's Children (Geo. Boyd Esq to be the Trustee.)	500
Joseph Bailly	4000
R.A. Forsyth	3000
Gabriel Godfroy	2420
Thomas R. Covill	1300
George Hunt	750
James Kinzie	5000
Joseph Chaunier	550
John and Mark Noble	180
Alexis Provansalle	100
One hundred thousand dollars	$100,000

SCHEDULE "B."

(Referred to in the treaty containing the sums payable to individuals, on claims admitted to be justly due, and directed to be paid.)

[See Second Amendment, at end of this treaty.]

	Dollars.
Brewster Hogan & Co.	343
John S.C. Hogan	50
Frederick H. Contraman	200
Brookfield & Bertrand	100
R.E. Heacock	100
George W. McClure, U.S.A.	125
David McKee	180
Oliver Emmell	300
George Hollenbeck	100
Martha Gray	78
Charles Taylor	187
Joseph Naper	71
John Mann	200
James Walker	200
John Blackstone	100
Harris & McCord	175
George W. Dole	133
George Haverhill	60
William Whistler, U.S.A.	1000
Squire Thompson	100
C.C. Trowbridge	2000
Louis Druillard	350
Abraham Francis	25
D.R. Bearss & Co.	250
Dr. E. Winslow	150
Nicholas Klinger	77
Joseph Porthier	200
Clark Hollenbeck	50
Henry Enslen	75
Robert A. Kinzie	1216
Joseph Ogie	200
Thomas Hartzell	400
Calvin Britain	46
Benjamin Fry	400
Pierre F. Navarre	100
C.H. Chapman	30
James Kinzie	300
G.S. Hubbard	125
Jacque Jenveaux	150
John B. Du Charme	55
John Wright	15
James Galloway	200
William Marquis	150
Louis Chevalier, Adm'r of J.B. Chevalier dec'd	112
Solomon McCullough	100
Joseph Curtis	50
Edward E. Hunter	90
Rachel Legg	25
Peter Lamseet	100
Robert Beresford	200
G.W. & W. Laird	150
M.B. Beaubien	440
Jeduthan Smith	60
Edmund Weed	100
Philip Maxwell, U.S.A.	35
Henry Gratiot	116
Tyler K. Blodgett	50
Nehemiah King	125

	Dollars.
S.P. Brady	188
James Harrington	68
Samuel Ellice	50
Peter Menard, Maumee	500
John W. Anderson	350
David Bailey	50
Wm. G. Knaggs	100
John Hively	150
John B. Bertrand, Sen'r	50
Robert A. Forsyth	3000
Maria Kercheval	3000
Alice Hunt	3000
Jane C. Forsyth	3000
John H. Kinzie	5000
Ellen M. Wolcott	5000
Maria Hunter	5000
Robert A. Kinzie	5000
Samuel Godfroy	120
John E. Schwarz	4800
Joseph Loranger	5000
H.B. and G.W. Hoffman	358
Phelps & Wendell	660
Henry Johns	270
Benjamin C. Hoyt	20
John H. Kinzie, in trust for the heirs of Jos. Miranda, dec'd.	250
Francis Burbonnais, Senr	500
Francis Burbonnais, junr	200
R.A. Forsyth, in trust for Catherine McKenzie	1000
James Laird	50
Montgomery Evans	250
Joseph Bertrand, jr	300
George Hunt	900
Benjamin Sherman	150
W. and F. Brewster, Assignees of Joseph Bertrand, Senr	700
John Forsyth, in trust for the heirs of Charles Peltier, dec'd	900
William Hazard	30
James Shirley	125
Jacob Platter	25
John B. Bourie	2500
B.B. Kercheval	1500
Charles Lucier	75
Mark Beaubien	500
Catharine Stewart	82
Francis Mouton	200
Dr. William Brown	40
R.A. Forsyth, in trust for heirs of Charles Guion	200
Joseph Bertrand, Senr	652
Moses Rice	800
James Connor	2250
John B. Du Charme	250
Coquillard & Comparet	5000
Richard J. Hamilton	500
Adolphus Chapin	80
John Dixon	140
Wm. Huff	81
Stephen Mack, in trust for the heirs of Stephen Mack, dec'd	500
Thomas Forsyth	1500
Felix Fontaine	200
Jacque Mette	200
Francis Boucher	250
Margaret Helm	2000
O.P. Lacy	1000
Henry and Richard J. Connor	1500

	Dollars.
James W. Craig	50
R.A. Forsyth (Maumee)	1300
Antoine Peltier do.	200
R.A. Forsyth, in trust for Wau-se-on-o-quet	300
John E. Hunt	1450
Payne C. Parker	70
Isaac Hull	1000
Foreman Evans	32
Horatio N. Curtis	300
Ica Rice	250
Thomas P. Quick	35
George B. Woodcox	60
John Woodcox	40
George B. Knaggs	1400
Ebenezer Read	100
George Pomeroy	150
Thomas K. Green	70
William Mieure, in trust for Willis Fellows	500
Z. Cicott	1800
John Johnson	100
Antoine Antilla	100
John Baldwin	500
Isaac G. Bailey	100
James Cowen	35
Joseph D. Lane	50
T.E. Phelps	250
Edmund Roberts	50
Augustus Bona	60
E.C. Winter & Co	1850
Charles W. Ewing	200
Antoine Ouilmett	800
John Bt. Chandonai, ($1000 of this sum to be paid to Robert Stuart, agent of American Fur Company, by the particular request of Jno. B. Chandonai,)	2500
Lowrin Marsh	3290
P. & J.J. Godfroy	2000
David Hull	500
Andrew Drouillard	500
Jacob Beeson & Co	220
Jacob Beeson	900
John Anderson	600
John Green	100
James B. Campbell	600
Pierre Menard, Jun. in right of G.W. Campbell	250
George E. Walker	1000
Joseph Thebault	50
Gideon Lowe, U.S.A.	160
Pierre Menard, Jun	2000
John Tharp	45
Pierre Menard, Junr. in trust for Marie Tremblê	500
Henry B. Stillman	300
John Hamblin	500
Francois Pagê	100
George Brooks	20
Franklin McMillan	100
Lorance Shellhouse	30
Martin G. Shellhouse	35
Peter Bellair	150
Joseph Morass	200
John I. Wendell	2000
A.T. Hatch	300
Stephen Downing	100
Samuel Miller	100

	Dollars.
Moses Hardwick	75
Margaret May	400
Frances Felix	1100
John B. Bourie	500
Harriet Ewing	500
Nancy Hedges	500
David Bourie	500
Caroline Ferry	500
Bowrie & Minie	500
Charles Minie	600
Francis Minie	700
David Bourie	150
Henry Ossum Reed	200
Françoise Bezion	2500
Dominique Rousseau	500
Hanna & Taylor	1570
John P. Hedges	1000
Francoise Chobare	1000
Isadore Chobare	600
Jacob Leephart	700
Amos Amsden	400
Nicholas Boilvin	350
Archibald Clyburn	200
William Conner (Michigan)	70
Tunis S. Wendall	500
Noel Vasseur	800
James Abbott, agent of the American Fur Company	2300
Robert Stewart, agent of the American Fur Company	17000
Solomon Jeauneau	2100
John Bt. Beaubien	250
Stephen Mack, Jnr	350
John Lawe	3000
Alexis Larose	1000
Daniel Whitney	1350
P. & A. Grignon	650
Louis Grignon	2000
Jacques Vieux	2000
Laframboise & Bourassa	1300
Heirs of N. Boilvin, deceased	1000
John K. Clark	400
William G. & G.W. Ewing	5000
Rufus Hitchcock	400
Reed and Coons	200
B.H. Laughton	1000
Rufus Downing	500
Charles Reed	200
One hundred and seventy-five thousand dollars	$175,000

The above claims have been admitted and directed to be paid, only in case they be accepted in full of all claims and demands up to the present date.

G.B. Porter,
Th. J.V. Owen,
William Weatherford.

Sept. 27, 1833.

Goods purchased and delivered.

Agreeably to the stipulations contained in the 3d Article of the Treaty, there have been purchased and delivered at the request of the Indians, goods, provisions and horses to the amount of sixty-five thousand dollars (leaving the balance to be supplied in the year one thousand eight hundred and thirty-four, thirty-five thousand dollars.)

As evidence of the purchase and delivery as aforesaid under the direction of the said Commissioners, and that the whole of the same have been received by the said Indians, the said George B. Porter, Thomas J.V. Owen and William Weatherford, and the undersigned Chiefs and Head-men on behalf of the said United Nation of Indians have hereunto set their hands the twenty-seventh day of September in the year of our Lord one thousand eight hundred and thirty-three.

G.B. Porter,
Th. J.V. Owen,
William Weatherford,
Jo-pen-e-bee, his x mark,
We-saw, his x mark,
Ne-kaw-nosh-kee, his x mark,
Wai-saw-o-ke-ne-aw, his x mark,
Ne-see-waw-bee-tuck, his x mark,
Kai-kaw-tai-mon, his x mark,
Saw-ko-nosh,
Tshee-Tshee-chin-be-quay, his x mark,
Joseph, his x mark,
Shab-e-nai, his x mark,
Ah-be-te-ke-zhic, his x mark,
E-to-won-cote, his x mark,
Shab-y-a-tuk, his x mark,
Me-am-ese, his x mark,
Wah-be-me-mee, his mark,
Shim-e-nah, his x mark,
We-in-co, his x mark,

In presence of—

Wm. Lee D. Ewing, secretary to the commission,
R.A. Forsyth, U.S. Army,
Madn. F. Abbott,
Saml. Humes Porter,
Andw. Porter,
Joseph Bertrand, junr.
Jno. H. Kinzie,
James Conner, interpreter,
J.E. Schwarz, adjutant-general, M.M.

Treaty 16

Author's Introduction. In 1836, the Menominees once again were called to the negotiating table. The resulting treaty proved to be a major land cession treaty for the tribe, for in this one agreement the tribe released nearly four million acres.

The tribe was willing to sell some of their lands. There was discontent among the tribal leaders over the size of the annuities provided by earlier treaties. Many of the Menominees, especially the mixed-bloods, did not consider the annuities enough to sustain the tribe. Consequently, they favored a land cession for the economic gains that the tribe could make. Local traders also strongly favored a land cession treaty, for the Menominees were deeply in debt to them. Euro-Americans in the area pushed for a cession of Menominee lands because they coveted the incredibly rich pinery that these lands contained, particularly on the Wisconsin River.

Chief Oshkosh initially offered to sell three million acres east of the Wolf River, but Wisconsin Territorial Governor Dodge asked for an additional million acres along the Wisconsin River. Threatened with removal west of the Mississippi River if they did not sell the requested lands, and under pressure from the mixed-bloods and the traders to sign the treaty, the chiefs agreed to sign after less than four days of negotiating.

The treaty paid just under $100,000 to the traders for their claims and allowed for $80,000 to be given to the mixed-bloods. For the nearly four million acres of land that the tribe ceded, the Menominees received only 17½ cents per acre in compensation.

Treaty of the Cedars between the United States and the Menominee Nation (1836)

Oratory

Chief Oshkosh, in response to the demands of the treaty, reminded the President of the tribe's basic need for the land and the waterways in question. (*Documents Relating to . . . 1801-1869*, Roll 3)

> *Osh-kosh* said "Father you know that we are very poor, you see our young men, they are almost naked, we have nothing but our land to depend upon— When that is gone all is gone— We hope you will consider this . . . .
>
> He [Oshkosh] also said, "the land granted is good and well timbered land, and as they depended upon fishing, he hoped his Great Father the President would not suffer the river to be dammed, also as they wanted a passage for their canoes up and down the river . . . ."

Complete Written Document

Sept. 3, 1836.

7 Stat., 506.
Proclamation, Feb. 15, 1837.

Articles of agreement made and concluded at Cedar Point, on Fox river, near Green bay, in the Territory of Wisconsin, this third day of September in the year of our Lord one thousand eight hundred and thirty-six between Henry Dodge, Governor of said Territory of Wisconsin, commissioner on the part of the United States, on the one part; and the chiefs and head men of the Menomonie nation of Indians, of the other part.

Lands ceded to the United States.

ARTICLE FIRST. The said Menomonie nation agree to cede to the United States, all of that tract or district of country included within the following boundaries, viz. Beginning at the mouth of Wolf river, and running up and along the same, to a point on the north branch of said river where it crosses the extreme north or rear line of the five hundred thousand acre tract heretofore granted to the New York Indians: thence following the line last mentioned, in a northeastwardly direction, three miles: thence in a northwardly course, to the upper forks of the Menomonie river, at a point to intersect the boundary line between the Menomonie and Chippewa nation of Indians: thence following the said boundary line last mentioned, in an eastwardly direction as defined and established by the treaty of the Little Bute des Mort, in 1827, to the Smooth rock or Shos-kin-aubie river: thence down the said river to where it empties into Green bay, between the Little and Great bay de Noquet: thence up and along the west side of Green bay, (and including all the islands therein, not heretofore ceded) to the mouth of Fox river: thence up and along the said Fox river, and along the west side of Winnebago lake (including the islands therein) to the mouth of Fox river, where it empties into said lake: thence up and along said Fox river to the place of beginning, (saving and reserving out of the district of country above ceded and described, all that part of the five hundred thousand acre tract, granted by the treaties between the Menomonies and the United States, made on the eighth day of February A.D. 1831, and on the twenty-seventh day of October A.D. 1832, which may be situated within the boundaries hereinbefore described,) the quantity of land contained in the tract hereby ceded, being estimated at about four millions of acres.

Further cession.

And the said Menomonie nation do further agree to cede and relinquish to the United States all that tract or district of country lying upon the Wisconsin river, in said territory; and included within the following boundaries; viz—Beginning at a point upon said Wisconsin river two miles above the grant or privilege heretofore granted by said nation and the United States, to Amable Grignon; thence running up and along said river forty-eight miles in a direct line: and being three miles in width on each side of said river; this tract to contain eight townships or one hundred and eighty-four thousand three hundred and twenty acres of land.

Consideration therefor.

ARTICLE SECOND. In consideration of the cession of the aforesaid tract of land, the United States agree to pay to the said Menomonie nation, at the lower end of Wah-ne-kun-nah lake in their own country, or at such other place as may be designated by the President of the United States the sum of twenty thousand dollars, per annum for the term of twenty years.

Provisions, etc., to be supplied.

The United States further agree to pay and deliver to the said Indians, each and every year during the said term of twenty years, the following articles—Three thousand dollars worth of provisions; two thousand pounds of tobacco; thirty barrels of salt; also the sum of five hundred dollars, per year, during the same term, for the purchase of farming utensils, cattle, or implements of husbandry, to be expended under the direction of the superintendent or agent. Also to appoint and pay two blacksmiths to be located at such places as may be designated by the said superintendent or agent, to erect (and supply with the necessary quantity of iron, steel, and tools) two blacksmith shops; during the same term.

Blacksmiths.

Debts to be paid.

The United States shall also pay the just debts of the said Menomonie Indians, agreeably to the schedule hereunto annexed, amounting to the sum of ninety-nine thousand seven hundred and ten dollars and fifty cents. Provided, always, That no portion of said debts shall be paid until the validity and justice of each of them, shall have been inquired into by the Commissioner of Indian Affairs, who shall in no instance increase the amount specified in said schedule, but who shall allow the sum specified, reject it entirely, or reduce it as upon examination and proof may appear just, and if any part of said sum is left after paying said debts so adjudged to be just, then such surplus shall be paid to the said Indians for their own use.

Provision for persons of mixed blood.

And whereas the said Indians are desirous of making some provision and allowance to their relatives and friends of mixed blood; the United States do further agree to pay the sum of eighty thousand dollars, to be divided among all such persons of mixed blood as the chiefs shall hereafter designate: said sum to be apportioned and divided under the direction of a commissioner to be appointed by the President. Provided always, That no person shall be entitled to any part of said fund unless he is of Indian descent and actually resident within the boundaries described in the first article of this treaty, nor shall anything be allowed to any such person who may have received any allowance under any previous treaty. The portion of this fund allowed by the Commissioner to those half breeds who are orphans, or poor or incompetent to make a proper use thereof, shall be paid to them in installments or otherwise as the President may direct.

United States released from certain provisions of treaty of 1831 and 1832.

ARTICLE THIRD. The said Menomonie nation do agree to release the United States from all such provisions of the treaty of 1831 and 1832, aforesaid, as requires the payment of farmers, blacksmiths, millers &c. They likewise relinquish all their right under said treaty to appropriation for education, and to all improvements made or to be made upon their reservation on Fox river and Winnebago lake; together with the cattle, farming utensils or other articles furnished or to be furnish[ed] to them under said treaty. And in consideration of said release and relinquishment, the United States stipulate and agree that the sum of seventy-six thousand dollars, shall be allowed to the said Indians and this sum shall be invested in some safe stock and the interest thereof as it accrues shall also be so vested until such time as in the judgment of the President, the income of the aggregate sum can be usefully applied to the execution of the provisions in the said fourth article, or to some other purposes beneficial to the said Indians.

Annuities to be paid yearly.

ARTICLE FOURTH. The above annuities shall be paid yearly and every year, during the said term, in the month of June or July, or as soon thereafter as the amount shall be received; and the said Menomonie nation do agree to remove from the country ceded, within one year after the ratification of this treaty.

Treaty binding when ratified.

This treaty shall be binding and obligatory on the contracting parties, as soon as the same shall be ratified by the President and Senate of the United States.

Done at Cedar Point, in said territory of Wisconsin, this third day of September, in the year of our Lord one thousand eight hundred and thirty-six, and in the year of the Independence of the United States the sixty-first.

H. Dodge, [L.S.]
Osh-kosh, his x mark, [L.S.]
Aya-ma-taw, his x mark, [L.S.]
Ko-ma-ni-kin, his x mark, [L.S.]
Wain-e-saut, his x mark, [L.S.]
Kee-sis, his x mark, [L.S.]
Carron-Glaude, his x mark, [L.S.]
Say-ga-toke, his x mark, [L.S.]
Shee-o-ga-tay, his x mark, [L.S.]
Wah-pee-min, his x mark, [L.S.]
Isk-ki-ninew, his x mark, [L.S.]
Ko-ma-ni-kee-no-shah, his x mark, [L.S.]
Wah-bee-ne-mickee, his x mark, [L.S.]
Shee-pan-ago, his x mark, [L.S.]
Maw-baw-so, his x mark, [L.S.]
Chin-nay-pay-mawly, his x mark, [L.S.]
Chee-chee-go-waw-way, his x mark, [L.S.]
Shoneon, his x mark, [L.S.]
Et-chee-kee, his x mark, [L.S.]
Pee-a-tum, his x mark, [L.S.]
Pay-maw-ba-may, his x mark, [L.S.]
Ah-kah-mute, his x mark, [L.S.]
Pah-mun-a-kut, his x mark, [L.S.]
Chee-kah-ma-ke-shir, his x mark, [L.S.]
Wah-kee-che-un, his x mark. [L.S.]

Signed and sealed in the presence of—

Henry S. Baird, secretary to the commissioner.
George Boyd, United States Indian agent,
Charles A. Grignon, sworn interpreter,
William Powell, sworn interpreter,
George M. Brooke, brevet brigadier-general,
R.E. Clary, U.S. Army,
D. Jones,

John P. Arndt,
Charles R. Brush,
Louis Philipson,
L. Grignon,
Agt. Grignon,
Samuel Ryan,
William Bruce,
John Drake,
David Blish, jr.
J. Jourdain,
T.T. Porlier.

Schedule.

Claims to be paid by United States.

It is agreed on the part of the United States, that the following claims shall be allowed and paid, agreeably to the second article of the foregoing treaty, viz:

To John Lawe, twelve thousand five hundred dollars;
Augustine Grignon ten thousand dollars;
William Powell and Robert Grigon four thousand two hundred and fifty dollars;
Charles A. Grignon ten thousand dollars;
John Lawe & Co., six thousand dollars;
Walter T. Webster one hundred dollars;
John P. Arndt five hundred and fifty dollars;
William Farnsworth and Charles R. Brush two thousand five hundred dollars;
James Porlier, seven thousand five hundred dollars;
Heirs of Louis Beaupre one thousand five hundred dollars;
Dominick Brunette two hundred and thirty-one dollars and fifty cents;
Alexander J. Irwin, one thousand two hundred and fifty dollars;
American Fur Co. (western outfit) four hundred dollars;
Charles Grignon one thousand two hundred dollars;
Joseph Rolette one thousand seven hundred and fifty dollars;
Charles A. and Alexander Grignon seven hundred and fifty dollars;
James Reed seven hundred dollars;
Peter Powell one thousand seven hundred and fifty dollars;
Paul Grignon five thousand five hundred dollars;
William Dickinson three thousand dollars;
Robert M. Eberts seventy-four dollars;
Joseph Jourdain fifty dollars;
James Knaggs five hundred and fifty dollars ($550;)
Ebenezer Childs two hundred dollars;
Lewis Rouse five thousand dollars;
William Farnsworth two thousand five hundred dollars;
Saml. Irwin & Geo. Boyd jr. one hundred and five dollars;
Aneyas Grignon two thousand five hundred dollars;
Pierre Grignon decd. by Rob. & Peter B. Grignon six thousand dollars;
Stanislius Chappue one hundred dollars;
John Lawe one thousand two hundred dollars;
William Dickinson two hundred and fifty dollars;
Stanislius Chappue two thousand five hundred dollars;
Lewis Grignon seven thousand two hundred and fifty dollars.

H. Dodge, Commissioner.

All the above accts. were sworn to before me the 3d day of September, 1836.

John P. Arndt,
A Justice of the Peace.

Treaty 17

Author's Introduction. This cession treaty with the Chippewa Indians is perhaps one of the best known treaties in Wisconsin history. Aside from ceding to the United States nearly ten million acres of some of the best pine-covered lands in the country, the treaty also set the stage for future conflicts over what the Chippewa did not sell during the negotiations.

This treaty, often called the Pine Tree Treaty, was the first in which the Chippewa actually ceded any of their land in Wisconsin. As in many of the land cession treaties, it was driven by several forces. Non-Indians desired the Chippewa lands for their timber. Traders saw the treaty as a chance to get paid for real or supposed debts incurred by Indians. The U.S. War Department was anxious to wean the Chippewa bands away from British traders and officials in Canada. All of these forces contributed to the Chippewa decision to cede such a large amount of land in this treaty.

The United States referred to the various Chippewa bands at the negotiations as the singular “Chippewa nation,” hoping that the signatures of those whom it could convince to sign the resulting treaty would make it appear to be binding on all of the Chippewas. In fact, the Chippewas belonged to numerous bands, and the Wisconsin bands whose lands were ceded were not the principal players in the treaty negotiations. It was actually band members from Minnesota, anxious to acquire annuities, who played the leading role in the negotiations over Wisconsin lands. They did so at the encouragement of their agent, Lawrence Taliaferro. Nevertheless, even they were interested in leasing land for annuities rather than selling it. Only when the United States refused to consider leasing Indian lands and insisted on a land cession did the Chippewa speakers agree to sell. Even then, they insisted on including a clause reserving the right to hunt, fish, and gather in the ceded territory. To this clause the U.S. treaty commissioner inserted the phrase “during the pleasure of the President.” Nevertheless, the Indians left the treaty grounds convinced that they had reserved their hunting, fishing, and gathering rights. In future years, they would have difficulty with non-Indians who sought to distort the intention of the “during the pleasure” clause.

Treaty between the United States and the Chippewa Nation (1837)

Oratory

The following speech, spoken by the Chippewa Flat Mouth, July 28, 1837, at Fort Snelling, specifies the intent of the Chippewas to reserve their rights to the land and water of the ceded territory. (In Satz, 1991, p. 145)

> “My Father. Your children are willing to let you have their lands, but they wish to reserve the privilege of making sugar from the trees, and getting their living from the Lakes and Rivers, as they have done heretofore, and of remaining in this Country. It is hard to give up the lands. They will remain, and can not be destroyed—but you may cut down the Trees, and others will grow up. You know we can not live, deprived of our Lakes and Rivers; There is some game on the lands yet; & for that reason also, we wish to remain upon them, to get a living. Sometimes we scrape the Trees and eat of the bark. The Great Spirit above, made the Earth, and causes it to produce, which enables us to live.”

Complete Written Document

Articles of a treaty made and concluded at St. Peters (the confluence of the St. Peters and Mississippi rivers) in the Territory of Wisconsin, between the United States of America, by their commissioner, Henry Dodge, Governor of said Territory, and the Chippewa nation of Indians, by their chiefs and headmen.

July 29, 1837.

7 Stat., 536.
Proclamation, June 15, 1838.

Land ceded to the United States.

Boundaries.

ARTICLE 1. The said Chippewa nation cede to the United States all that tract of country included within the following boundaries:

Beginning at the junction of the Crow Wing and Mississippi rivers, between twenty and thirty miles above where the Mississippi is crossed by the forty-sixth parallel of north latitude, and running thence to the north point of Lake St. Croix, one of the sources of the St. Croix river; thence to and along the dividing ridge between the waters of Lake Superior and those of the Mississippi, to the sources of the Ocha-sua-sepe a tributary of the Chippewa river; thence to a point on the Chippewa river, twenty miles below the outlet of Lake De Flambeau; thence to the junction of the Wisconsin and Pelican rivers; thence on an east course twenty-five miles; thence southerly, on a course parallel with that of the Wisconsin river, to the line dividing the territories of the Chippewas and Menomonies; thence to the Plover Portage; thence along the southern boundary of the Chippewa country, to the commencement of the boundary line dividing it from that of the Sioux, half a days march below the falls on the Chippewa river; thence with said boundary line to the mouth of Wah-tap river, at its junction with the Mississippi; and thence up the Mississippi to the place of beginning.

United States to make the following payments annually for twenty years.

ARTICLE 2. In consideration of the cession aforesaid, the United States agree to make to the Chippewa nation, annually, for the term of twenty years, from the date of the ratification of this treaty, the following payments.

1. Nine thousand five hundred dollars, to be paid in money.
2. Nineteen thousand dollars, to be delivered in goods.
3. Three thousand dollars for establishing three blacksmiths shops, supporting the blacksmiths, and furnishing them with iron and steel.
4. One thousand dollars for farmers, and for supplying them and the Indians, with implements of labor, with grain or seed; and whatever else may be necessary to enable them to carry on their agricultural pursuits.
5. Two thousand dollars in provisions.
6. Five hundred dollars in tobacco.

The provisions and tobacco to be delivered at the same time with the goods, and the money to be paid; which time or times, as well as the place or places where they are to be delivered, shall be fixed upon under the direction of the President of the United States.

The blacksmiths shops to be placed at such points in the Chippewa country as shall be designated by the Superintendent of Indian Affairs, or under his direction.

If at the expiration of one or more years the Indians should prefer to receive goods, instead of the nine thousand dollars agreed to be paid to them in money, they shall be at liberty to do so. Or, should they conclude to appropriate a portion of that annuity to the establishment and support of a school or schools among them, this shall be granted them.

Payment to half-breeds.

ARTICLE 3. The sum of one hundred thousand dollars shall be paid by the United States, to the half-breeds of the Chippewa nation, under the direction of the President. It is the wish of the Indians that their two sub-agents Daniel P. Bushnell, and Miles M. Vineyard, superintend the distribution of this money among their half-breed relations.

Payment of claims against Indians.

ARTICLE 4. The sum of seventy thousand dollars shall be applied to the payment, by the United States, of certain claims against the Indians; of which amount twenty-eight thousand dollars shall, at their request, be paid to William A. Aitkin, twenty-five thousand to Lyman M. Warren, and the balance applied to the liquidation of other just demands against them—which they acknowledge to be the case with regard to that presented by Hercules L. Dousman, for the sum of five thousand dollars; and they request that it be paid.

ARTICLE 5. The privilege of hunting, fishing, and gathering the wild rice, upon the lands, the rivers and the lakes included in the territory ceded, is guarantied to the Indians, during the pleasure of the President of the United States.

Hunting ground.

ARTICLE 6. This treaty shall be obligatory from and after its ratification by the President and Senate of the United States.

Treaty binding when ratified.

Done at St. Peters in the Territory of Wisconsin the twenty-ninth day of July eighteen hundred and thirty-seven.

Henry Dodge, Commissioner.

From Leech lake:
Aish-ke-bo-ge-koshe, or Flat Mouth,
R-che-o-sau-ya, or the Elder Brother.
Chiefs.
Pe-zhe-kins, the Young Buffalo,
Ma-ghe-ga-bo, or La Trappe,
O-be-gwa-dans, the Chief of the Earth,
Wa-bose, or the Rabbit,
Che-a-na-quod, or the Big Cloud.
Warriors.

From Gull lake and Swan river:
Pa-goo-na-kee-zhig, or the Hole in the Day,
Songa-ko-mig, or the Strong Ground.
Chiefs.
Wa-boo-jig, or the White Fisher,
Ma-cou-da, or the Bear's Heart.
Warriors.

From St. Croix river:
Pe-zhe-ke, or the Buffalo,
Ka-be-ma-be, or the Wet Month.
Chiefs.
Pa-ga-we-we-wetung, Coming Home Hollowing,
Ya-banse, or the Young Buck,
Kis-ke-ta-wak, or the Cut Ear.
Warriors.

From Lake Courteoville:
Pa-qua-a-mo, or the Wood Pecker.
Chief.

From Lac De Flambeau:
Pish-ka-ga-ghe, or the White Crow,
Na-wa-ge-wa, or the Knee,
O-ge-ma-ga, or the Dandy,
Pa-se-quam-jis, or the Commissioner,
Wa-be-ne-me, or the White Thunder.
Chiefs.

From La Pointe, (On Lake Superior):
Pe-zhe-ke, or the Buffalo,
Ta-qua-ga-na, or Two Lodges Meeting,
Cha-che-que-o.
Chiefs.

From Mille Lac:
Wa-shask-ko-kone, or Rats Liver,
Wen-ghe-ge-she-guk, or the First Day.
Chiefs.
Ada-we-ge-shik, or Both Ends of the Sky,
Ka-ka-quap, or the Sparrow.
Warriors.

From Sandy Lake:
Ka-nan-da-wa-win-zo, or Le Brocheux,
We-we-shan-shis, the Bad Boy, or Big Mouth,
Ke-che-wa-me-te-go, or the Big Frenchman.
Chiefs.
Na-ta-me-ga-bo, the Man that stands First,
Sa-ga-ta-gun, or Spunk.
Warriors.

From Snake river:
Naudin, or the Wind,
Sha-go-bai, or the Little Six,
Pay-ajik, or the Lone Man,
Na-qua-na-bie, or the Feather.
Chiefs.
Ha-tau-wa,
Wa-me-te-go-zhins, the Little Frenchman,
Sho-ne-a, or Silver.
Warriors.

From Fond du Lac, (on Lake Superior):
Mang-go-sit, or the Loons Foot,
Shing-go-be, or the Spruce.
Chiefs.

From Red Cedar lake:
Mont-so-mo, or the Murdering Yell.

From Red lake:
Francois Goumean (a half breed).

From Leech lake:
Sha-wa-ghe-zhig, or the Sounding Sky,
Wa-zau-ko-ni-a, or Yellow Robe.
Warriors.

Signed in presence of—

Verplanck Van Antwerp, Secretary to the Commissioner.
M.M. Vineyard, U.S. Sub-Indian Agent.
Daniel P. Bushnell.
Law. Taliaferro, Indian Agent at St. Peters.
Martin Scott, Captain, Fifth Regiment Infantry.
J. Emerson, Assistant Surgeon, U.S. Army.
H.H. Sibley.
H.L. Dousman.
S.C. Stambaugh.
E. Lockwood.
Lyman M. Warren.
J.N. Nicollet.
Harmen Van Antwerp.
Wm. H. Forbes.
Jean Baptiste Dubay, Interpreter.
Peter Quinn, Interpreter.
S. Campbell, U.S. Interpreter.
Stephen Bonga, Interpreter.
Wm. W. Coriell.

(To the Indian names are subjoined a mark and seal.)

Treaty 18

Author's Introduction. Shortly after Wisconsin became a territory in 1836, there was a tremendous increase in Euro-American pressure for Indian lands in the new territory. The non-Indian population was rapidly increasing, as was their desire for the vast pine lands and rich agricultural lands that the Indians controlled. The Santee Sioux Indians claimed, but did not occupy, a vast tract of land east of the Mississippi River at this time, and there was considerable Euro-American interest in this region, especially after it was surveyed in 1835.

The agent for the Sioux of this area was Lawrence Taliaferro, and he thought that the cession of the several million acres of land that the tribe claimed would benefit them financially, because they did not live on the lands.

Taliaferro arranged for the treaty to be negotiated in Washington, D.C., thinking the distant location would lessen the influence of the traders in the negotiations. He was only partly successful in this goal, because the U.S. government gave confidential drafts of the treaty to traders which allowed them to inflate the amounts to which the Sioux had previously agreed. The treaty ultimately paid traders $90,000 for their claims, although the Indians had only agreed to pay $70,000 for these claims. Although all interested parties quibbled over the price that the Sioux wanted for the Wisconsin lands, the U.S. government successfully obtained the land cession. The federal government paid the Sioux $300,000 and promised to invest the funds and pay the interest in annuities of goods and money. Due in part to the strong influence of their agent, a substantial amount of money was allotted for improvements to Sioux farmland, especially near the Sioux agency at St. Peter's. Also due to the agent's influence, the Sioux did not reserve any hunting, fishing, or gathering rights on the ceded lands. Taliaferro saw this as unnecessary, for he thought the Sioux would soon be acculturated and would have no need for hunting rights.

Treaty between the United States and the Sioux Nation (1837)

Oratory

Big Thunder, also known as Little Crow, a Mdewakanton chief of the Santee Sioux since 1834, was a member of the Sioux delegation that went to Washington in 1837, where he made the following statement: (In Diedrich, 1989, p. 30)

> My father, some years ago we received an invitation to visit our Great Father. Our friends came here. They told us of your power.
>
> My father, since I have been here I have been looking around. I see all your people are well-dressed—we are obliged to wear skins. I am acquainted with our agent at St. Peter's. I have followed your council. I have not arrived to the day when I am to be well off. When the amount is divided among our people it will not be much for each. We have had great difficulty in getting [here]. We have come to see you. We depend upon our Great Father as second to the Great Spirit.

Complete Written Document

Sept. 29, 1837.

7 Stat., 538.

Proclamation, June 15, 1838.

Articles of a treaty, made at the City of Washington, between Joel R. Poinsett, thereto specially authorized by the President of the United States, and certain chiefs and braves of the Sioux nation of Indians.

Cession of land to the United States.

ARTICLE 1st. The chiefs and braves representing the parties having an interest therein, cede to the United States all their land, east of the Mississippi river, and all their islands in the said river.

Consideration therefor.

ARTICLE 2d. In consideration of the cession contained in the preceding article, the United States agree to the following stipulations on their part.

$300,000 to be invested for Indians.

First. To invest the sum of $300,000 (three hundred thousand dollars) in such safe and profitable State stocks as the President may direct, and to pay to the chiefs and braves as aforesaid, annually, forever, an income of not less than five per cent, thereon; a portion of said interest, not exceeding one third, to be applied in such manner as the President may direct, and the residue to be paid in specie, or in such other manner, and for such objects, as the proper authorities of the tribe may designate.

$110,000 for persons of mixed blood.

Second. To pay to the relatives and friends of the chiefs and braves, as aforesaid, having not less than one quarter of Sioux blood, $110,000 (one hundred and ten thousand dollars,) to be distributed by the proper authorities of the tribe, upon principles to be determined by the chiefs and braves signing this treaty, and the War Department.

Payment of Indian debts.

Third. To apply the sum of $90,000 (ninety thousand dollars) to the payment of just debts of the Sioux Indians, interested in the lands herewith ceded.

Annuity.

Fourth. To pay to the chiefs and braves as aforesaid an annuity for twenty years of $10,000 (ten thousand dollars) in goods, to be purchased under the direction of the President, and delivered at the expense of the United States.

Agricultural implements, etc.

Fifth. To expend annually for twenty years, for the benefit of Sioux Indians, parties to this treaty, the sum of $8,250 (eight thousand two hundred and fifty dollars) in the purchase of medicines, agricultural implements and stock, and for the support of a physician, farmers, and blacksmiths, and for other beneficial objects.

Improvement of lands.

Sixth. In order to enable the Indians aforesaid to break up and improve their lands, the United States will supply, as soon as practicable, after the ratification of this treaty, agricultural implements, mechanics' tools, cattle, and such other articles as may be useful to them, to an amount not exceeding $10,000, (ten thousand dollars.)

Provisions.

Seventh. To expend annually, for twenty years, the sum of $5,500 (five thousand five hundred dollars) in the purchase of provisions, to be delivered at the expense of the United States.

Goods.

Eighth. To deliver to the chiefs and braves signing this treaty, upon their arrival at St. Louis, $6,000 (six thousand dollars) in goods.

ARTICLE 3rd. [Stricken out by Senate.]

Treaty binding when ratified.

ARTICLE 4th. This treaty shall be binding on the contracting parties as soon as it shall be ratified by the United States.

In testimony whereof, the said Joel R. Poinsett, and the undersigned chiefs and braves of the Sioux nation, have hereunto set their hands, at the City of Washington, this 29th day of September A.D. 1837.

J.R. Poinsett.

Medawakantons
Tah-tape-saah, The Upsetting Wind,
Wah-keah-tun-kah, Big Thunder,
Mah-zah-hoh-tah, Grey Iron,
Tautunga-munne, Walking Buffalo,
Eu-hah-kaakow, He that comes last,
Mah-kuah-pah, he that shakes the Earth,
Tah-mah-zah-hoh-wash-taa, The Iron of handsome voice,
Watt-chu-dah, The Dancer,
Mah-zah-tunkah, The Big Iron,
Mau-po-koah-munnee, He that runs after the clouds,
Tah-chunk-wash-taa, Good Road,
Mare-pu-ah-nasiah, Standing Cloud,
Koi-moko, Afloat,
Mau-pu-wee-chastah, White Man,
Mau-pu-ah-mah-zah, Iron Cloud,
Tah-chunek-oh-dutah, The Red Road,
Wasson-wee-chastish-nee, The Bad Hail,
Hoe-yah-pah, the Eagle Head,
Annon-ge-nasiah, He that Stands on Both sides,
Chaudus-ka-mumee, the Walking Circle,
Tee-oh-du-tah, the Red Lodge.

In presence of—

Chauncy Bush, secretary.
Mahlon Dickerson, Secretary of the Navy.
W.J. Worth, lieutenant-colonel.
Geo. W. Jones, of Wisconsin.
Lau. Taliaferro, U.S. agent at St. Peters.
Wm. Hawley.
C.A. Harris, Commissioner of Indian Affairs.
S. Cooper, chief clerk War Department.
D. Kurtz, chief clerk Indian Office.
Charles Calvert.
S. Campbell, interpreter.

(To the Indian names are subjoined marks.)

Treaty 19

Author's Introduction. The Winnebagos (now known as the Ho-Chunks) ceded their remaining lands in Wisconsin in the last of the three major land cession treaties negotiated in 1837. Held in Washington almost concurrently with the Sioux treaty negotiations, the Winnebago treaty making produced results far different than the U.S. government's agreement with the Sioux.

The Winnebagos experienced intense pressure to cede their remaining lands, because non-Indian settlers coveted their pine lands along the Wisconsin River. Lacking an advocate as strong as Sioux agent Lawrence Taliaferro, the Winnebagos received little protection from the strong influence of traders, who secured a final treaty that included their inflated claims. The U.S. government allowed some $300,000 of such claims, and paid most in full, under Indian protest.

But those inflated claims caused far less distress for the Winnebagos than the removal order contained in article 3 of the treaty. This article required removal west of the Mississippi River within eight months of the ratification of the treaty. The young men who signed the treaty (few if any major chiefs signed) believed they were signing an agreement to remove eight years after its ratification. The interpreter for the government later admitted that, as a ploy to get the Indians to sign, he told them the amount of time was eight years, when the written document actually specified only eight *months*. Though the U.S. government did not immediately enforce this clause, it marked the end of Winnebago land ownership and legal presence in Wisconsin until the 1870s, when the federal government tired of repeatedly locating and transporting tribal members who refused to stay on the Nebraska reservation. The federal government started to allow tribal members to homestead the lands they were living on in Wisconsin. This decision explains why there are Winnebago trust lands in Wisconsin today.

Treaty between the United States and the Winnebago Nation (1837)

Oratory

This dialogue took place during the treaty negotiations, between one of the U.S. negotiators and Snake Skin, a signer of the written treaty document. (*Documents Relating to . . . 1801-1869*, Roll 3)

> In answer to:
>
> . . . "If you are disposed to sell all your land East of the Mississippi your father will listen to you . . . . your welfare depends much on your decision . . . ."
>
> Wa kaun ha kak (Snake Skin) said:
>
> . . . "What the chiefs and braves have heard they were pleased to hear when you do any thing you take time to consider, we wish to do the same we wish two days to consider we will then give you an answer what you have said to us we consider as Sacred as if it came from above."

Complete Written Document

Nov. 1, 1837.

7 Stat., 544.

Proclamation, June 15, 1838.

Articles of a treaty made at the city of Washington, between Carey A. Harris, thereto specially directed by the President of the United States, and the Winnebago nation of Indians, by their chiefs and delegates.

Lands ceded to the United States.

ARTICLE 1st. THE Winnebago nation of Indians cede to the United States all their land east of the Mississippi river.

Indians relinquish their right to occupy, except for hunting, certain land.

ARTICLE 2d. The said Indians further agree to relinquish the right to occupy, except for the purpose of hunting a portion of the land held by them west of the Mississippi, included between that river and a line drawn from a point twenty miles distant therefrom on the southern boundary of the neutral ground to a point, equidistant from the said river, on the northern boundary thereof.

Their title not to be invalidated.

But this stipulation shall not be so construed, as to invalidate their title to the said tract.

Indians to remove within eight months.

ARTICLE 3d. The said Indians agree to remove within eight months from the ratification of this treaty, to that portion of the neutral ground west of the Mississippi, which was conveyed to them in the second article of the treaty of September *15th*, [21st] 1832, and the United States agree that the said Indians may hunt upon the western part of said neutral ground until they shall procure a permanent settlement.

Consideration for said cession.

ARTICLE 4th. In consideration of the cession and relinquishment contained in the preceding articles, the United States agree to the following stipulations on their part.

$200,000 set apart to pay individuals.

First. To set apart the sum of two hundred thousand dollars ($200,000) for the following purposes:

To pay to the individuals herein named the sum specified for each; To Nicholas Boilvin, six thousand dollars ($6,000); to the other four children of Nicholas Boilvin, formerly agent for said nation, four thousand dollars ($4,000) each; to Catherine Myott, one thousand dollars, ($1,000); to Hyancinthe St. Cyr one thousand dollars ($1,000); to the widow of Henry Gratiot, late sub-agent of the nation, in trust for her eight children, ten thousand dollars ($10,000); to H.L. Dousman, in trust for the children of Pierre Paquette, late interpreter for the nation three thousand dollars ($3,000); to Joseph Brisbois, two thousand dollars ($2,000); to Satterlee Clark, junior, two thousand dollars ($2,000;) to John Roy, two thousand dollars ($2,000); to Antoine Grignon, two thousand dollars ($2,000); to Jane F. Rolette, two thousand dollars ($2,000); to George Fisher, one thousand dollars ($1,000); to Therese Roy, one thousand dollars ($1,000); to Domitille Brisbois, one thousand dollars ($1,000). These sums are allowed, at the earnest solicitation of the chiefs and delegates, for supplies and services to the nation, afforded by these individuals.

Balance, how to be applied.

The balance of the above sum of two hundred thousand dollars ($200,000) shall be applied to the debts of the nation, which may be ascertained to be justly due, and which may be admitted by the Indians: *Provided*, That if all their just debts shall amount to more than this balance, their creditors shall be paid *pro rata*, upon their giving receipts in full; and if the just debts shall fall short of said balance, the residue of it shall be invested for the benefit of the nation; *And provided, also*, That no claim for depredations shall be paid out of said balance.

Provision for relations, etc., of Indians.

Second. To pay, under the direction of the President, to the relations and friends of said Indians, having not less than one quarter of Winnebago blood, one hundred thousand dollars ($100,000).

Removal of Indians.

Third. To expend, for their removal to the lands assigned them, a sum not exceeding seven thousand dollars ($7,000).

Horses and goods.

Fourth. To deliver to the chiefs and delegates on their arrival at St. Louis, goods and horses to the amount of three thousand dollars ($3,000); and, also, to deliver to them, as soon as practicable after the ratification of this treaty, and at the expense of the United States goods to the amount of forty-seven thousand dollars ($47,000).

Provisions and horses.

Fifth. To deliver to them provisions to the amount of ten thousand dollars, ($10,000); and horses to the same amount.

Gristmill.

Sixth. To apply to the erection of a grist-mill, three thousand dollars, ($3,000).

Breaking up ground, etc.

Seventh. To expend, in breaking up and fencing in ground, after the removal of the said Indians, ten thousand dollars ($10,000).

Contingent expenses.

Eighth. To set apart the sum of ten thousand dollars ($10,000) to defray contingent and incidental expenses in the execution of this treaty, and the expenses of an exploring party, when the said Indians shall express a willingness to send one to the country southwest of the Missouri river.

Balance of proceeds to be invested.

Ninth. To invest the balance of the proceeds of the lands ceded in the first article of the treaty, amounting to eleven hundred thousand dollars (1,100,000,) and to guaranty to them an interest of not less than five per cent.

Disposition of the interest.

Of this interest amounting to fifty-five thousand dollars ($55,000,) it is agreed the following disposition shall be made;

For purposes of education, twenty-eight hundred dollars ($2,800).

For the support of an interpreter for the school, five hundred dollars, ($500.)

For the support of a miller, six hundred dollars ($600.)

For the supply of agricultural implements and assistance, five hundred dollars, ($500.)

For medical services and medicines, six hundred dollars ($600.)

The foregoing sums to be expended for the objects specified, for the term of twenty-two years, and longer at the discretion of the President. If at the expiration of that period, or any time thereafter, he shall think it expedient to discontinue either or all of the above allowances, the amount so discontinued shall be paid to the said Winnebago nation. The residue of the interest, amounting to fifty thousand dollars ($50,000,) shall be paid to said nation, in the following manner; Ten thousand dollars ($10,000) in provisions, twenty thousand dollars ($20,000) in goods, and twenty thousand dollars ($20,000) in money.

So much of existing treaties as requires services, etc., to be null and void.

ARTICLE 5th. It is understood and agreed that so much of the stipulations in existing treaties with said Winnebago nation, as requires services to be performed, supplies furnished, or payments made, at designated times and places, shall be henceforth null and void; and those stipulations shall be carried into effect at such times and at such points in the country to which they are about to remove, as the President may direct.

Treaty binding when ratified.

ARTICLE 6th. This treaty to be binding on the contracting parties when it shall be ratified by the United States.

In witness whereof, the said Carey A. Harris and the undersigned chiefs and delegates of the said Winnebago nation, have hereunto set their hands at the City of Washington, this first day of November, A.D. 1837.

C.A. Harris.

Watch-hat-ty-kan, (Big Boat,)
Keesh-kee-pa-kah, (Kar-i-mo-nee,)
Mo-ra-chay-kah, (Little Priest,)
Ma-na-pay-kah, (Little Soldier,)
Wa-kaun-ha-kah, (Snake Skin,)
Ma-hee-koo-shay-nuz-he-kah, (Young Decori,)
Wa-kun-cha-koo-kah, (Yellow Thunder,)
Wa-kaun-kah, (The Snake,)
Wa-kun-cha-nic-kah, (Little Thunder,)
Nautch-kay-suck-kah, (Quick Heart,)
Mai-ta-sha-hay-ma-ne-kah, (Young Kar-i-mo-nee,)
Wa-kaun-ho-no-nic-kah, (Little Snake,)
Hoong-kah, (Old Chief,)
To-shun-uc-kah, (Little Otter,)
Sho-go-nic-kah, (Little Hill,)
Homp-ska-kah, (Fine Day,)
Chow-walk-saih-e-nic, (The Plover,)
Ah-oo-shush-kah, (Red Wing,)
Shoog-hat-ty-kah, (Big Gun,)
Ha-kah-kah, (Little Boy Child.)

In presence of—

Thos. A.B. Boyd, U.S.S. Indian agent.
N. Boilvin,
Antoine Grinion,
Jean Roy,
Interpreters.
Joseph Moore,
J. Brisbois,
Sat. Clark, jr.,
Conductors.
Alexis Bailly.
H.H. Sibley, agent Am. Fur. Co.
John Lowe.
John M'Farlane.
W. Gunton.
T.R. Cruttenden.
Charles E. Mix.
A.R. Potts.
Rd. L. Mackall.

(To the Indian names are subjoined a mark.)

Treaty 20

Author's Introduction. In this long and complicated treaty, the so-called New York Indians—the Senecas, Onondagas, Cayugas, Tuscaroras, Oneidas, St. Regis, Stockbridges, Munsees, and Brothertowns—agreed to cede all their remaining lands in New York and much of their lands that the tribes claimed near Green Bay. In return for this cession, the U.S. government agreed to set aside lands for the various tribes in Missouri and Oklahoma. These were to be permanent homes, with an allotment of 320 acres for each New York Indian, or a total of 1,800,000 acres.

This treaty promised the tribes self-government. The United States agreed to pay for the negotiations and the tribes' removal. The government also agreed to provide money to the tribes during their first years in the West.

While the Treaty of Buffalo Creek made the Indian lands desired by New York speculators free of Indian title, it did not assure the removal of all the tribes. Many fled to Canada, while some petitioned successfully to remain in Wisconsin and New York, though on a much-reduced land base.

Treaty of Buffalo Creek between the United States and the Brothertowns, Munsees, Oneidas, St. Regis, Stockbridges, and Other New York Indian Nations (1838)

Commentary

Historian Francis Jennings describes the provisions of the Buffalo Creek treaty and the various responses, both tribal and non-Indian, to the agreement. (Jennings, et al., 1985, p. 206)

1838 January. Buffalo Creek, N.Y. With a United States commissioner present, Senecas sold to the Ogden Land Company their four remaining reservations: Allegany, Cattaraugus, Tonawanda, and Buffalo Creek. Compensation $202,000. There was much dissension among the Senecas because the intent of the treaty was to bring about emigration of all the Senecas to the trans-Mississippi west, and this was bitterly fought by many of the nation. Asher Wright and the Society of Friends produced evidence of fraud, bribery, and forgery, and objections were raised in Congress; but the transaction occurred during the Jackson administration at the height of the clamor for Indian removal, and the treaty was ratified.

Complete Written Document

Jan. 15, 1838.

7 Stat., 550.
Proclamation, Apr. 4, 1840.

Articles of a treaty made and concluded at Buffalo Creek in the State of New York, the fifteenth day of January in the year of our Lord one thousand eight hundred and thirty-eight, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, head men and warriors of the several tribes of New York Indians assembled in council witnesseth:

Preamble.

WHEREAS, the six nations of New York Indians not long after the close of the war of the Revolution, became convinced from the rapid increase of the white settlements around, that the time was not far distant when their true interest must lead them to seek a new home among their red brethren in the West: And whereas this subject was agitated in a general council of the Six nations as early as 1810, and resulted in sending a memorial to the President of the United States, inquiring whether the Government would consent to their leaving their habitations and their removing into the neighborhood of their western brethren, and if they could procure a home there, by gift or purchase, whether the Government would acknowledge their title to the lands so obtained in the same manner it had acknowledged it in those from whom they might receive it; and further, whether the existing treaties would, in such a case remain in full force, and their annuities be paid as heretofore: And whereas, with the approbation of the President of the United States, purchases were made by the New York Indians from the Menomonie and Winnebago Indians of certain lands at Green Bay in the Territory of Wisconsin, which after much difficulty and contention with those Indians concerning the extent of that purchase, the whole subject was finally settled by a treaty between the United States and the Menomonie Indians, concluded in February, 1831, to which the New York Indians gave their assent on the seventeenth day of October 1832: And whereas, by the provisions of that treaty, five hundred thousand acres of land are secured to the New York Indians of the Six Nations and the St. Regis tribe, as a future home, on condition that they all remove to the same, within three years, or such reasonable time as the President should prescribe: And whereas, the President is satisfied that various considerations have prevented those still residing in New York from removing to Green Bay, and among other reasons, that many who were in favour of emigration, preferred to remove at once to the Indian territory, which they were fully persuaded was the only permanent and peaceful home for all the Indians. And they therefore applied to the President to take their Green Bay lands, and provide them a new home among their brethren in the Indian territory. And whereas, the President being anxious to promote the peace, prosperity and happiness of his red children, and being determined to carry out the humane policy of the Government in removing the Indians from the east to the west of the Mississippi, within the Indian territory, by bringing them to see and feel, by his justice and liberality, that it is their true policy and for their interest to do so without delay.

Therefore, taking into consideration the foregoing premises, the following articles of a treaty are entered into between the United States of America and the several tribes of the New York Indians, the names of whose chiefs, head men and warriors are hereto subscribed, and those who may hereafter give their assent to this treaty in writing, within such time as the President shall appoint.

GENERAL PROVISIONS.

Indians relinquish their right to lands at Green Bay.

ARTICLE 1. The several tribes of New York Indians, the names of whose chiefs, head men, warriors and representatives are hereunto annexed, in consideration of the premises above recited, and the covenants hereinafter contained, to be performed on the part of the United States, hereby cede and relinquish to the United States all their right, title and interest to the lands secured to them at Green Bay by the Menomonie treaty of 1831, excepting the following tract, on which a part of the New York Indians now reside: beginning at the southwesterly corner of the French grants at Green Bay, and running thence southwardly to a point on a line to be run from the Little Cocaclin, parallel to a line of the French grants and six miles from Fox River; from thence on said parallel line, northwarely six miles; from thence eastwardly to a point on the northeast line of the Indian lands, and being at right angles to the same.

United States set apart other lands for Indians.

ARTICLE 2. In consideration of the above cession and relinquishment, on the part of the tribes of the New York Indians, and in order to manifest the deep interest of the United States in the future peace and prosperity of the New York Indians, the United States agree to set apart the following tract of country, situated directly west of the State of Missouri, as a permanent home for all the New York Indians, now residing in the State of New York, or in Wisconsin, or elsewhere in the United States, who have no permanent homes, which said country is described as follows, to wit: Beginning on the west line of the State of Missouri, at the northeast corner of the Cherokee tract, and running thence north along the west line of the State of Missouri twenty-seven miles to the southerly line of the Miami lands; thence west so far as shall be necessary, by running a line at right angles, and parallel to the west line aforesaid, to the Osage lands, and thence easterly along the Osage and Cherokee lands to the place of beginning to include one million eight hundred and twenty-four thousand acres of land, being three hundred and twenty acres for each soul of said Indians as their numbers are at present computed. To have and to hold the same in fee simple to the said tribes or nations of Indians, by patent from the President of the United States, issued in conformity with the provisions of the third section of the act, entitled "An act to provide for an exchange of lands, with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi," approved on the 28th day of May, 1830, with full power and authority in the said Indians to divide said lands among the different tribes, nations, or bands, in severalty, with the right to sell and convey to and from each other, under such laws and regulations as may be adopted by the respective tribes, acting by themselves, or by a general council of the said New York Indians, acting for all the tribes collectively. It is understood and agreed that the above described country is intended as a future home for the following tribes, to wit: The Senecas, Onondagas, Cayugas, Tuscaroras, Oneidas, St. Regis, Stockbridges, Munsees, and Brothertowns residing in the State of New York, and the same is to be divided equally among them, according to their respective numbers, as mentioned in a schedule hereunto annexed.

1830, ch. 148.

Tribes that do not agree to remove, etc., to forfeit all interest in said lands.

ARTICLE 3. It is further agreed that such of the tribes of the New York Indians as do not accept and agree to remove to the country set apart for their new homes within five years, or such other time as the President may, from time to time, appoint, shall forfeit all interest in the lands so set apart, to the United States.

Peace and friendship.

ARTICLE 4. Perpetual peace and friendship shall exist between the United States and the New York Indians; and the United States hereby guaranty to protect and defend them in the peaceable possession and enjoyment of their new homes, and hereby secure to them, in said country, the right to establish their own form of government, appoint their own officers, and administer their own laws; subject, however, to the legislation of the Congress of the United States, regulating trade and intercourse with the Indians. The lands secured to them by patent under this treaty shall never be included in any State or Territory of this Union. The said Indians shall also be entitled, in all respects, to the same political and civil rights and privileges, that are granted and secured by the United States to any of the several tribes of emigrant Indians settled in the Indian Territory.

Land set apart for the Oneida.

ARTICLE 5. The Oneidas are to have their lands in the Indian Territory, in the tract set apart for the New York Indians, adjoining the Osage tract, and that hereinafter set apart for the Senecas; and the same shall be so laid off as to secure them a sufficient quantity of timber for their use. Those tribes, whose lands are not specially designated in this treaty, are to have such as shall be set apart by the President.

Annuities, where to be paid.

ARTICLE 6. It is further agreed that the United States will pay to those who remove west, at their new homes, all such annuities, as shall properly belong to them. The schedules hereunto annexed shall be deemed and taken as a part of this treaty.

Treaty binding when ratified.

ARTICLE 7. It is expressly understood and agreed, that this treaty must be approved by the President and ratified and confirmed by the Senate of the United States, before it shall be binding upon the parties to it. It is further expressly understood and agreed that the rejection, by the President and Senate, of the provisions thereof, applicable to one tribe, or distinct branch of a tribe, shall not be construed to invalidate as to others, but as to them it shall be binding, and remain in full force and effect.

ARTICLE 8. It is stipulated and agreed that the accounts of the Commissioner, and expenses incurred by him in holding a council with the New York Indians, and concluding treaties at Green Bay and Duck Creek, in Wisconsin, and in the State of New York, in 1836, and those for the exploring party of the New York Indians, in 1837, and also the expenses of the present treaty, shall be allowed and settled according to former precedents.

The accounts of the commissioner, etc., how to be paid.

SPECIAL PROVISIONS FOR THE ST. REGIS.

ARTICLE 9. It is agreed with the American party of the St. Regis Indians, that the United States will pay to the said tribe, on their removal west, or at such time as the President shall appoint, the sum of five thousand dollars, as a remuneration for monies laid out by the said tribe, and for services rendered by their chiefs and agents in securing the title to the Green Bay lands, and in removal to the same, the same to be aportioned out to the several claimants by the chiefs of the said party and a United States' Commissioner, as may be deemed by them equitable and just. It is further agreed, that the following reservation of land shall be made to the Rev. Eleazor Williams, of said tribe, which he claims in his own right, and in that of his wife, which he is to hold in fee simple, by patent from the President, with full power and authority to sell and dispose of the same, to wit: beginning at a point in the west bank of Fox River thirteen chains above the old milldam at the rapids of the Little Kockalin; thence north fifty-two degrees and thirty minutes west, two hundred and forty chains; thence north thirty-seven degrees and thirty minutes east, two hundred chains, thence south fifty-two degrees and thirty minutes east, two hundred and forty chains to the bank of Fox river; thence up along the bank of Fox river to the place of beginning.

Payment to St. Regis Indians on their removal.

SPECIAL PROVISIONS FOR THE SENECAS.

ARTICLE 10. It is agreed with the Senecas that they shall have for themselves and their friends, the Cayugas and Onondagas, residing among them, the easterly part of the tract set apart for the New York Indians, and to extend so far west, as to include one half-section (three hundred and twenty acres) of land for each soul of the Senecas, Cayugas and Onondagas, residing among them; and if, on removing west, they find there is not sufficient timber on this tract for their use, then the President shall add thereto timber land sufficient for their accommodation, and they agree to remove; to remove from the State of New York to their new homes within five years, and to continue to reside there. And whereas at the making of this treaty, Thomas L. Ogden and Joseph Fellows the assignees of the State of Massachusetts, have purchased of the Seneca nation of Indians, in the presence and with the approbation of the United States Commissioner, appointed by the United States to hold said treaty, or convention, all the right, title, interest, and claim of the said Seneca nation, to certain lands, by a deed of conveyance a duplicate of which is hereunto annexed; and whereas the consideration money mentioned in said deed, amounting to two hundred and two thousand dollars, belongs to the Seneca nation, and the said nation agrees that the said sum of money shall be paid to the United States, and the United States agree to receive the same, to he disposed of as follows: the sum

Land set apart for the Seneca, Cayuga, and Onondaga.

Money due to the Seneca by Massachusetts to be paid to United States, etc.

of one hundred thousand dollars is to be invested by the President of the United States in safe stocks, for their use, the income of which is to be paid to them at their new homes, annually, and the balance, being the sum of one hundred and two thousand dollars, is to be paid to the owners of the improvements on the lands so deeded, according to an appraisement of said improvements and a distribution and award of said sum of money among the owners of said improvements, to be made by appraisers, hereafter to be appointed by the Seneca nation, in the presence of a United States Commissioner, hereafter to be appointed, to be paid by the United States to the individuals who are entitled to the same, according to said apprisal and awards, on their severally relinquishing their respective possessions to the said Ogden and Fellows.

SPECIAL PROVISIONS FOR THE CAYUGAS.

Moneys to be invested for the Cayuga, etc.

ARTICLE 11. The United States will set apart for the Cayugas, on their removing to their new homes at the west, two thousand dollars, and will invest the same in some safe stocks, the income of which shall be paid them annually, at their new homes. The United States further agree to pay to the said nation, on their removal west, two thousand five hundred dollars, to be disposed as the chiefs shall deem just and equitable.

SPECIAL PROVISIONS FOR THE ONONDAGAS RESIDING ON THE SENECA RESERVATIONS.

Investment for the Onondagas, etc.

ARTICLE 12. The United States agree to set apart for the Onondagas, residing on the Seneca reservations, two thousand five hundred dollars, on their removing west, and to invest the same in safe stocks, the income of which shall be paid to them annually at their new homes. And the United States further agree to pay to the said Onondagas, on their removal to their new homes in the west, two thousand dollars, to be disposed of as the chiefs shall deem equitable and just.

SPECIAL PROVISIONS FOR THE ONEIDAS RESIDING IN THE STATE OF NEW YORK.

Payment to certain persons for services, etc.

ARTICLE 13. The United States will pay the sum of four thousand dollars, to be paid to Baptista Powlis, and the chiefs of the first Christian party residing at Oneida, and the sum of two thousand dollars shall be paid to William Day, and the chiefs of the Orchard party residing there, for expenses incurred and services rendered in securing the Green Bay country, and the settlement of a portion thereof; and they hereby agree to remove to their new homes in the Indian territory, as soon as they can make satisfactory arrangements with the Governor of the State of New York for the purchase of their lands at Oneida.

SPECIAL PROVISIONS FOR THE TUSCARORAS.

Tuscaroras agree to remove in five years, etc.

ARTICLE 14. The Tuscarora nation agree to accept the country set apart for them in the Indian territory, and to remove there within five years, and continue to reside there. It is further agreed that the Tuscaroras shall have their lands in the Indian country, at the forks of the Neasha river, which shall be so laid off as to secure a sufficient quantity of timber for the accommodation of the nation. But if on examination they are not satisfied with this location, they are to have their lands at such place as the President of the United States shall designate. The United States will pay to the Tuscarora nation, on their settling at the West, three thousand dollars, to be

Tuscaroras convey certain land to United States, in trust, etc.

disposed of as the chiefs shall deem most equitable and just. Whereas the said nation owns, in fee simple, five thousand acres of land, lying in Niagara county, in the State of New York which was conveyed to the said nation by Henry Dearborn and they wish to sell and convey the same before they remove West: Now therefore, in order to have the same done in a legal and proper way, they hereby convey the same to the United States and to be held in trust for them, and they authorize the President to sell and convey the same, and the money which shall be received for the said lands, exclusive of the improvements, the President shall invest in safe stocks for their benefit, the income from which shall be paid to the nation, at their new homes, annually; and the money which shall be received for improvements on said lands shall be paid to the owners of the improvements when the lands are sold. The President shall cause the said lands to be surveyed, and the improvements shall be appraised by such persons as the nation shall appoint; and said lands shall also be appraised, and shall not be sold at a less price than the appraisal, without the consent of James Cusick, William Mountpleasant and William Chew, or the survivor, or survivors of them; and the expenses incurred by the United States in relation to this trust are to be deducted from the moneys received before investment.

Proceeds of improvements to be paid to the owners thereof.

And whereas, at the making of this treaty, Thomas L. Ogden and Joseph Fellows, the assignees of the State of Massachusetts, have purchased of the Tuscarora nation of Indians, in the presence and with the approbation of the commissioner appointed on the part of the United States to hold said treaty or convention, all the right, title, interest, and claim of the Tuscarora nation to certain lands, by a deed of conveyance, a duplicate of which is hereunto annexed: And whereas, the consideration money for said lands has been secured to the said nation to their satisfaction, by Thomas L. Ogden and Joseph Fellows; therefore the United States hereby assent to the said sale and conveyance and sanction the same.

$400,000 to be applied for the benefit of Indians, how.

ARTICLE 15. The United States hereby agree that they will appropriate the sum of four hundred thousand dollars, to be applied from time to time, under the direction of the President of the United States, in such proportions, as may be most for the interest of the said Indians, parties to this treaty, for the following purposes, to wit: To aid them in removing to their homes, and supporting themselves the first year after their removal; to encourage and assist them in education, and in being taught to cultivate their lands; in erecting mills and other necessary houses; in purchasing domestic animals, and farming utensils and acquiring a knowledge of the mechanic arts.

In testimony whereof, the commissioner and the chiefs, head men, and people, whose names are hereto annexed, being duly authorized, have hereunto set their hands, and affixed their respective seals, at the time and place above mentioned.

R.H. Gillet, Commissioner.

Senecas:
Dao-nepho-gah, or Little Johnson,
Da-ga-o-geas, or Daniel Twoguns,
Gee-odow-neh, or Captain Pollard,
Joh-nes-ha-dih, or James Stevenson,
Hure-hau-stock, or Captain Strong,
So-ne-a-ge, or Captain Snow,
Hau-neh-hoy's-oh, or Blue Eyes,
Gaw-neh-do-au-ok, or Reuben Pierce,
Shaw-go-nes-goh-sha-oh, or Morris Half-town,
Shaw-go-za-sot-hoh, or Jacob Jameson,
Gua-wa-no-oh, or George Big Deer,
Joh-que-ya-suse, or Samuel Gordon,
Gua-ne-oh-doh, or Thompson S. Harris,
Gua-geh-queh-doh, or George Jimeson,
Hon-non-de-uh, or Nathaniel T. Strong,
Nuh-joh-gau-eh, or Tall Peter,
Sho-nauk-ga-nes, or Tommy Jimmy,
So-joh-gwa-us, or John Tall Chief,
Shau-gau-nes-es-tip, or George Fox,
Go-na-daw-goyh, or Jabez Stevenson,
Tit-ho-yuh, or William Jones,
Juneah-dah-glence, or George White, by his agent White Seneca,

Gau-nu-su-goh, or Walter Thompson, by his agent Daniel Twoguns,
Dau-ga-se, or Long John,
Gua-sa-we-dah, or John Bark,
Gau-ni-dough, or George Lindsay,
Ho-ma-ga-was, or Jacob Bennet,
On-di-heh-oh, or John Bennet,
Nis-ha-nea-nent, or Seneca White,
Ha-dya-no-doh, or Maris Pierce,
Yoh-dih-doh, or David White,
James Shongo,
Ka-non-da-gyh, or William Cass,
Ni-ge-jos-a, or Samuel Wilson,
Jo-on-da-goh, or John Seneca.

Tuscaroras:
Ka-nat-soyh, or Nicholas Cusick,
Sacharissa, or William Chew,
Kaw-we-ah-ka, or William Mt. Pleasant,
Kaw-re-a-rock-ka, or John Fox,
Gee-me, or James Cusick,
Ju-hu-ru-at-kak, or John Patterson,
O-tah-guaw-naw-wa, or Samuel Jacobs,
Ka-noh-sa-ta, or James Anthony,
Gou-ro-quan, or Peter Elm,
Tu-nak-she-a-han, or Daniel Peter.
Haw-naw-wah-es, or Levi Halftown,
Goat-hau-oh, or Billy Shanks,
Hau-sa-nea-nes, or White Seneca,
Howah-do-goh-deh, or George Bennet,
Hays-tah-jih, or Job Pierce,
Sho-nan-do-wah, or John Gordon,
Noh-sok-dah, or Jim Jonas,
Shaw-neh-dik, or William Johnson,

Oneidas residing in the State of New-York, for themselves and their parties:
Baptiste Powlis,
Jonathan Jordan.

Oneidas at Green Bay:
John Anthony,
Honjoit Smith,
Henry Jordan,
Thomas King.

St. Regis:
Eleazer Williams, chief and agent.

Oneidas residing on the Seneca Reservation:
Hon-no-ne-ga-doh, or Silversmith, (For himself and in behalf of his nation.)
Hoge-wayhtah, or William Jacket,
Sah-hu-gae-ne, or Button George.

Principal Onondaga Warriors, in behalf of themselves and the Onondaga Warriors:
Ka-noh-qua-sa, or William John,
Dah-gu-o-a-dah, or Noah Silversmith.

Cayugas:
Skok-no-eh, or King William,
Geh-da-or-loh, or James Young,
Gay-on-wek, or Jack Wheelbarrow,
D'yo-ya-tek, or Joseph Isaac, For themselves and in behalf of the nation.

Principal Cayuga Warriors, in behalf of themselves and the Cayuga Warriors:
Hah-oh-u, or John Crow,
Ho-na-e-geh-dah, or Snow Darkness,
Gone-ah-ga-u-do, or Jacob G. Seneca,
Di-i-en-use, or Ghastly Darkness,
Hon-ho-gah-dyok, or Thomas Crow,
Wau-wah-wa-na-onk, or Peter Wilson,
So-en-dagh, or Johnathon White,
Sago-gan-e-on-gwus, or Harvey Rowe,
To-ga-ne-ah-doh, or David Crow,
Soh-win-dah-neh, or George Wheeler,
Do-goh-no-do-nis, or Simon Isaac,
He-dai-ses, or Joseph Peter,
Sa-go-di-get-ka, or Jacob Jackson.

Witnesses:

James Stryker, Sub-agent, Six Nations, New York Indians.
Nathaniel T. Strong, United States' Interpreter, New York agency.
H.B. Potter.
Orlando Allen.
H.P. Wilcox.
Charles H. Allen.
Horatio Jones.
Spencer H. Cone.
W.W. Jones.
J.F. Schermerhorn.
Josiah Trowbridge.

(To the Indian names are subjoined a mark and seal.)

SCHEDULE A.

Census of the New York Indians.

CENSUS OF THE NEW YORK INDIANS AS TAKEN IN 1837.

Number residing on the Seneca reservations.

Senecas	2,309
Onondagas	194
Cayugas	130
	2,633
Onondagas, at Onondaga	300
Tuscaroras	273

St. Regis, in New York	350
Oneidas, at Green Bay	600
Oneidas, in New York	620
Stockbridges	217
Munsees	132
Brothertowns	360

The above was made before the execution of the treaty.

R.H. Gillet, Commissioner.

SCHEDULE B.

Disposition of the $3,000 provided for Tuscaroras by fourteenth article of this treaty.

The following is the disposition agreed to be made of the sum of three thousand dollars provided in this treaty for the Tuscaroras, by the chiefs, and assented to by the commissioner, and is to form a part of the treaty:

To Jonathan Printess, ninety-three dollars.
To William Chew, one hundred and fifteen dollars.
To John Patterson, forty-six dollars.
To William Mountpleasant, one hundred and seventy-one dollars.
To James Cusick, one hundred and twenty-five dollars.
To David Peter, fifty dollars.

The rest and residue thereof is to be paid to the nation.

The above was agreed to before the execution of the treaty.

R.H. Gillet, Commissioner.

SCHEDULE C.

Disposition of the $4,000 provided for the Onondagas and Cayugas.

Schedule applicable to the Onondagas and Cayugas residing on the Seneca reservations. It is agreed that the following disposition shall be made of the amount set apart to be divided by the chiefs of those nations, in the preceding parts of this treaty, any thing therein to the contrary notwithstanding.

To William King, one thousand five hundred dollars.
Joseph Isaacs, seven hundred dollars.
Jack Wheelbarrow, three hundred dollars.
Silversmith, one thousand dollars.
William Jacket, five hundred dollars.
Buton George, five hundred dollars.

The above was agreed to before the treaty was finally executed.

R.H. Gillet, Commissioner.

Jan. 15, 1838.

In relation to the sale of lands by the Senecas to the State of Massachusetts, referred to in tenth article.

At a treaty held under the authority of the United States of America, at Buffalo Creek in the county of Erie, and State of New York, between the chiefs and head men of the Seneca nation of Indians, duly assembled in council, and representing and acting for the said nation, on the one part, and Thomas Ludlow Ogden of the city of New York and Joseph Fellows of Geneva, in the county of Ontario, on the other part, concerning the purchase of the right and claim of the said Indians in and to the lands within the State of New York remaining in their occupation: Ransom H. Gillet, Esquire, a commissioner appointed by the President of the United States to attend and hold the said treaty, and also Josiah Trowbridge, Esquire, the superintendent on behalf of the Commonwealth of Massachusetts, being severally present at the said treaty, the said chiefs and head men, on behalf of the Seneca nation did agree to sell and release to the said Thomas Ludlow Ogden and Joseph Fellows, and they the said Thomas Ludlow Ogden and Joseph Fellows did agree to purchase all the right, title and claim of the said Seneca nation of, in and to the several tracts, pieces, or parcels of land mentioned, and described in the instrument of writing next hereinafter set forth, and at the price or sum therein specified, as the consideration, or purchase money for such sale and release; which instrument being read and explained to the said parties and mutually agreed to, was signed and sealed by the said contracting parties, and is in the words following:

The deed of conveyance.

This indenture, made this fifteenth day of January in the year of our Lord one thousand eight hundred and thirty-eight, between the chiefs and head men of the Seneca nation of Indians, duly assembled in council, and acting for and on behalf of the said Seneca nation, of the first part, and Thomas Ludlow Ogden, of the city of New York, and Joseph Fellows of Geneva, in the county of Ontario, of the second part witnesseth: That the said chiefs and head men of the Seneca nation of Indians, in consideration of the sum of two hundred and two thousand dollars to them in hand paid by the said Thomas Ludlow Ogden and Joseph Fellows, the receipt whereof is hereby acknowledged, have granted, bargained, sold, released and confirmed, and by these presents do grant, bargain, sell, release and confirm unto the said Thomas Ludlow Ogden and Joseph Fellows, and to their heirs and assigns, all that certain tract, or parcel of land situate, lying and being in the county of Erie and State of New York commonly called and known by the name of Buffalo Creek reservation, containing, by estimation forty-nine thousand nine hundred and twenty acres be the contents thereof more or less. Also, all that certain other tract, or parcel of land, situate, lying and being in the counties of Erie, Chatauque, and Cattaraugus in said State commonly called and known by the name of Cattaraugus reservation, containing by estimation twenty-one thousand six hundred and eighty acres, be the contents thereof more or less. Also, all that certain other tract, or parcel of land, situate, lying and being in the said county of Cattaraugus, in said State, commonly called and known by the name of the Allegany reservation, containing by estimation thirty thousand four hundred and sixty-nine acres, be the contents more or less. And also, all that certain other tract or parcel of land, situate, lying and being partly in said county of Erie and partly in the county of Genesee, in said State, commonly called and known by the name of the Tonawando reservation, and containing by estimation twelve thousand, eight hundred acres, be the same more or less; as the said several tracts of land have been heretofore reserved and are held and occupied by the said Seneca nation of Indians, or by individuals thereof, together with all and singular the rights, privileges, hereditaments and appurtenances to each and every of the said tracts or parcels of land belonging or appertaining; and all the estate, right, title, interest, claim, and demand of the said party of the first part, and of the said Seneca nation of Indians, of, in, and to the same, and to each and every part and parcel thereof: to have and to hold all and singular the above described and released premises unto the said Thomas Ludlow Ogden and Joseph Fellows, their heirs and assigns, to their proper use and behoof for ever, as joint tenants, and not as tenants in common.

In witness whereof, the parties to these presents have hereunto and to three other instruments of the same tenor and date one to remain with the United States, one to remain with the State of Massachusetts, one to remain with the Seneca nation of Indians, and one to remain with the said Thomas Ludlow Ogden and Joseph Fellows, interchangeably set their hands and seals the day and year first above written.

Little Johnson,
Daniel Two Guns,

Captain Pollard,
James Stevenson,

Captain Strong,
Captain Snow,
Blue Eyes,
Levi Halftown,
Billy Shanks,
White Seneca,
George Bennet,
John Pierce,
John Gordon,
Jim Jonas,
William Johnson,
Reuben Pierce,
Morris Halftown,
Jacob Jimeson,
Samuel Gordon,
Thompson S. Harris,
George Jemison,
Nathaniel T. Strong,
Tall Peter,
Tommy Jimmy,
John Tall Chief,
George Fox,
Jabez Stevenson,
William Jones.

I have attended a treaty of the Seneca Nation of Indians, held at Buffalo Creek, in the county of Erie, in the State of New York, on the fifteenth day of January in the year of our Lord one thousand eight hundred and thirty-eight, when the within instrument was duly executed, in my presence, by the chiefs of the Seneca Nation, being fairly and properly understood by them. I do, therefore, certify and approve the same.

R.H. Gillet, Commissioner.

Jan. 15, 1838.

In relation to the sale of lands by the Tuscaroras to the State of Massachusetts, referred to in the fourteenth article.

At a treaty held under and by the authority of the United States of America, at Buffalo Creek, in the county of Erie, and State of New York, between the sachems, chiefs and warriors of the Tuscarora nation of Indians, duly assembled in council and representing and acting for the said nation, on the one part and Thomas Ludlow Ogden of the city of New York and Joseph Fellows of Geneva in the county of Ontario, on the other part, concerning the purchase of the right and claim of the said nation of Indians in and to the lands within the State of New York, remaining in their occupation: Ransom H. Gillet, Esquire, a commissioner appointed by the President of the United States to attend and hold the said treaty, and also Josiah Trowbridge, Esquire, the superintendent on behalf of the Commonwealth of Massachusetts, being severally present at the said treaty, the said sachems, chiefs and warriors, on behalf of the said Tuscarora nation, did agree to sell and release to the said Thomas Ludlow Ogden and Joseph Fellows, and they, the said Thomas Ludlow Ogden and Joseph Fellows did agree to purchase all the right, title and claim of the said Tuscarora nation of, in and to the tract, piece, or parcel of land mentioned and described in the instrument of writing next hereinafter set forth, and at the price, or sum therein specified, as the consideration or purchase money for such sale and release; which instrument being read and explained to the said parties, and mutually agreed to, was signed and sealed by the said contracting parties, and is in the words following:

The deed of conveyance.

This indenture, made this fifteenth day of January in the year of our Lord one thousand eight hundred and thirty-eight, between the sachems, chiefs, and warriors of the Tuscarora nation of Indians, duly assembled in council, and acting for and on behalf of the said Tuscarora nation of the first part, and Thomas Ludlow Ogden of the city of New York, and Joseph Fellows of Geneva, in the county of Ontario, of the second part witnesseth: That the said sachems, chiefs and warriors of the Tuscarora nation, in consideration of the sum of nine thousand six hundred dollars, to them in hand paid by the said Thomas Ludlow Ogden and Joseph Fellows, the receipt whereof is hereby acknowledged, have granted, bargained, sold released, and confirmed, and by these presents do grant, bargain, sell, release and confirm to the said Thomas Ludlow Ogden and Joseph Fellows, and to their heirs and assigns, all that tract or parcel of land situate, lying and being in the county of Niagara and State of New York, commonly called and known by the name of the Tuscarora reservation or Seneca grant, containing nineteen hundred and twenty acres, be the same more, or less, being the lands in their occupancy, and not included in the land conveyed to them by Henry Dearborn, together with all and singular the rights, the rights, privileges, heraditaments, and appurtenances to the said tract or parcel of land belonging, or appertaining, and all the estate, right, title, interest, claim and demand of the said party of the first part, and of the said Tuscarora nation of Indians of, in and to the same, and to every part and parcel thereof: To have and to hold all and singular the above described and released premises unto the said Thomas Ludlow Ogden and Joseph Fellows, and their heirs and assigns, to their proper use and behoof for ever, as joint tenants and not as tenants in common.

In witness whereof, the parties to these presents have hereunto and to three other instruments of the same tenor and date, one to remain with the United States, one to remain with the State of Massachusetts, one to remain with the Tuscarora nation of Indians and one to remain with the said Thomas Ludlow Ogden and Joseph Fellows, interchangeably set their hands and seals, the day and year first above written.

Nicholas Cusick,
William Chew,
William Mountpleasant,
John Fox,
James Cusick,

John Patterson,
Samuel Jacobs,
James Anthony,
Peter Elm,
Daniel Peter.

Sealed and delivered in presence of—

James Stryker.
R.H. Gillet.
Charles H. Allen.
J.F. Schermerhorn.
Nathaniel T. Strong, U.S. interpreter.
H.B. Potter.
Orlando Allen.

(To the Indian names are subjoined a mark and seal.)

At the abovementioned treaty, held in my presence, as superintendent on the part of the Commonwealth of Massachusetts, and this day concluded, the foregoing instrument was agreed to by the contracting parties therein named, and was in my presence executed by them; and being approved by me, I do hereby certify and declare such my approbation thereof.

Witness my hand and seal, at Buffalo Creek, this 15th day of January, in the year 1838.

J. Trowbridge, Superintendent.

I have attended a treaty of the Tuscarora nation of Indians, held at Buffalo Creek, in the county of Erie in the State of New York, on the fifteenth day of January in the year of our Lord one thousand eight hundred and thirty-eight, when the within instrument was duly executed in my presence, by the sachems, chiefs, and warriors of the said nation, being fairly and properly understood and transacted by all the parties of Indians concerned and declared to be done to their full satisfaction. I do therefore certify and approve the same.

R.H. Gillet, Commissioner.

Feb. 13, 1838.

7 Stat., 561.

Supplemental article to the treaty concluded at Buffalo Creek, in the State of New York, on the 15th of January 1838, concluded between Ransom H. Gillet, commissioner on the part of the United States, and chiefs and head men of the St. Regis Indians, concluded on the 13th day of February 1838.

Supplemental article to the treaty concluded at Buffalo Creek in the State of New York, dated January 15 1838.

Assent of the St. Regis Indians to the treaty.

The undersigned chiefs and head men of the St. Regis Indians residing in the State of New York having heard a copy of said treaty read by Ransom H. Gillet, the commissioner who concluded that treaty on the part of the United States, and he having fully and publicly explained the same, and believing the provisions of the said treaty to be very liberal on the part of the United States and calculated to be highly beneficial to the New York Indians, including the St. Regis, who are embraced in its provisions do hereby assent to every part of the said treaty and approve the same. And it is further agreed, that any of the St. Regis Indians who wish to do so, shall be at liberty to remove to the said country at any time hereafter within the time specified in this treaty, but under it the Government shall not compel them to remove. The United States will, within one year after the ratification of this treaty, pay over to the American party of said Indians one thousand dollars, part of the sum of five thousand dollars mentioned in the special provisions for the St. Regis Indians, any thing in the article contained to the contrary notwithstanding.

$1,000 to be paid to them within one year after the ratification of this treaty.

Done at the council house at St. Regis, this thirteenth day of February in the year of our Lord one thousand eight hundred and thirty-eight. Witness our hands and seals.

R.H. Gillet, Commissioner.

Lover-taie-enve,
Louis-taio-rorio-te,
Michael Gaveault,
Lose-sori-sosane,
Louis-tioonsate,
Jok-ta-nen-shi-sa,
Ermoise-gana-saien-to,
Tomos-tataste,
Tier-te-gonotas-en,
Tier-sokoia-ni-saks,
Sa-satis-otsi-tsia-ta-gen,
Tier-sgane-kor-hapse-e,
Ennios-anas-ota-ka,
Louis-te-ganota-to-ro,
Wise-atia-taronne,
Tomas-outa-gosa,
Sose-te-gaomsshke,
Louis-orisake-wha,
Sosatis-atis-tsiaks,
Tier-anasaken-rat,
Louis-tar-oria-keshon,
Jasen-karato-on.

The foregoing was executed in our presence—

A.K. Williams, Agent on the part of New York for St. Regis Indians.
W.L. Gray, Interpreter.
Owen C. Donnelly.
Say Saree.

(To the Indian names are subjoined a mark and seal.)

We the undersigned chiefs of the Seneca tribe of New York Indians, residing in the State of New York, do hereby give our free and voluntary assent to the foregoing treaty as amended by the resolution of the Senate of the United States on the eleventh day of June 1838, and to our contract therewith, the same having been submitted to us by Ransom H. Gillet, a Commissioner on the part of the United States, and fully and fairly explained by him, to our said tribe, in council assembled.

Dated Buffalo Creek September 28 1838.

Captain Pollard,
Captain Strong,
White Seneca,
Blue Eyes,

George Bennett,
Job Pierce,
Tommy Jimmy,
William Johnson,
Reuben Pierce,
Morris Halftown,
Levi Halftown,
George Big Deer,
Jim Jonas,
George Jimeson,
Thomas Jimeson,
George Fox,
N.T. Strong,
Thompson S. Harris,
Samuel Gordon,
Jacob Jimeson,
John Gordon,
Tall Peter,
Billy Shanks,
James Stevenson,
Walter Thompson,
John Bennett,
John Seneca,
John General,
Major Jack Berry,
John Tall Chief,
Jabez Stevenson.

(To the Indian names are subjoined marks.)

The above signatures were freely and voluntarily given after the treaty and amendments had been fully and fairly explained in open council.

R.H. Gillet, Commissioner.

Witness:
H.A.S. Dearborn, Superintendent of Massachusetts.
James Stryker, U.S. Agent.
Little Johnson,
Samuel Wilson,
John Buck,
William Cass,
Long John,
Sky Carrier,
Charles Greybeard,
John Hutchinson,
Charles F. Pierce,
John Snow.

(To the Indian names are subjoined marks.)

These ten chiefs signed in my presence except the last John Snow.

H.A.S. Dearborn,
Superintendent of Massachusetts.

Signed in presence of—
Nathl. T. Strong, U.S. Interpreter.
James Stryker, U.S. Agent.
George Kenququide, by his attorneys.
N.T. Strong.
White Seneca.

The signature of George Kenququide was added by his attorneys in our presence.

R.H. Gillet,
James Stryker.

18th January 1839.

We the undersigned chiefs of the Oneida tribe of New York Indians do hereby give our free and voluntary assent to the foregoing treaty as amended by the resolution of the Senate of the United States on the eleventh day of June 1838, the same having been submitted to us by Ransom H. Gillet, a commissioner on the part of the United States and fully and fairly explained by him to our said tribe in council assembled. Dated August 9th 1838 at the Oneida Council House.

Executed in the presence of—

Timothy Jenkins.

First Christian Party:
Baptista Powlis,
Anthony Big Knife,
Peter Williams,
Jacob Powlis,
Anthony Anthony,
Peter Martin,
Cornelius Summer,
Isaac Wheelock,
Thomas Doxtater,
William Hill,
Baptiste Denny.

Orchard Party:
Jonathan Jordon,
Thomas Scanado,
Henry Jordon,
William Day.

Second Christian Party:
Abraham Denny,
Adam Thompson,
Peter Elm,
Lewis Denny,
Martin Denny.

(To the Indian names are subjoined marks.)

The above assent was voluntarily freely and fairly given in my presence, after being fully and fairly explained by me.

R.H. Gillet, Commissioner, &c.

We the undersigned sachems chiefs and head men of the Tuscarora nation of Indians residing in the State of New York, do hereby give our free and voluntary assent to the foregoing treaty as amended by the resolution of the Senate of the United States on the eleventh day of June 1838, and to our contract connected therewith, the same having been submitted to us by Ransom H. Gillet, a commissioner on the part of the United States, and fully and fairly explained by him to our said tribe in council assembled.

Dated August 14th, 1838.

Nicholas Cusik,
William Chew,
William Mountpleasant,
John Patterson,
Matthew Jack,

George L. Printup,
James Cusick,
Jonathan Printup,
Mark Jack,
Samuel Jacobs.

Executed in presence of—

J.S. Buckingham,
D. Judson,
Leceister S. Buckingham,
Orlando Allen.

(To the Indian names are subjoined marks.)

The above assent was freely and voluntarily given after being fully and fairly explained by me.

R.H. Gillet, Commissioner.

We the undersigned chiefs and head men of the tribe of Cayuga Indians residing in the State of New York do hereby give our free and voluntary assent to the foregoing treaty as amended by the resolution of the Senate of the United States on the eleventh day of June 1838, the same having been submitted to us by Ransom H. Gillet, a commissioner on the part of the United States, and fully and fairly explained by him to our said tribe in council assembled.

Dated August 30th 1838.

Thomas Crow,
John Crow,

Ghastly Darkness,
Jacob G. Seneca.

Executed in presence of—

James Young.

(To the Indian names are subjoined marks.)

The above four signatures were freely given in our presence.

R.H. Gillet, Commissioner,
H.A.S. Dearborn,
Superintendent of Massachusetts.

We the undersigned sachems, chiefs and head men of the American party of the St. Regis Indians residing in the State of New York, do hereby give our free and voluntary assent to the foregoing treaty as amended by the Senate of the United States on the eleventh day of June 1838, the same having been submitted to us by Ransom H. Gillet a commissioner on the part of the United States, and fully and fairly explained by him to our said tribe in council assembled. The St. Regis Indians shall not be compelled to remove under the treaty or amendments.

Dated October 9th, 1838.

Lorenn-taie-enne,
Sase-sori-hogane,
Louis-taw-roniate,
Thomas-talsete,
Saro-sako-ha-gi-tha,
Louis-te-ka-nota-tiron,
Michael Gareault,
W.L. Gray, Int.
Louis-tio-on-sate,
Tier-ana-sa-ker-rat,
Tomas-ska-en-to-gane,
Tier-sa-ko-eni-saks,
Saro-tsio-her-is-en,
Sak-tho-te-ras-en,
Saro-saion-gese,
Louis-onia-rak-ete,
Louis-aion-gahes,
Sak-tha-nen-ris-hon,
Sa-ga-tis-ania-ta-ri-co,
Louis-sa-ka-na-tie,
Sa-ga-tis-asi-kgar-a-tha,
Simon-sa-he-rese,
Resis-tsis-kako,
Ennias-kar-igiio,
Sak-tsior-ak-gisen,
Tier-kaien-take-ron,
Kor-ari-hata-ko,
Tomas-te-gaki-gasen,
Saro-thar-on-ka-tha,
Ennias-anas-ota-ko,
Wishe-te-ka-nia-tasoken,
Tomas-tio-nata-kgente,
Wishe-aten-en-rahes,
Tomas-ioha-hiio,
Ennias-kana-gaien-ton,
Louis-taro-nia-ke-thon,
Louis-ari-ga-ke-wha,
Sak-tsio-ri-te-ha,
Louis-te-ga-ti-rhon,
Tier-atsi-non-gis-aks.

The foregoing assent was signed in our presence.

R.H. Gillet, Commissioner.

Witnesses:

James B. Spencer.
Heman W. Tucker.
A.K. Williams, Agent St. Regis Indians.
Frs. Marcoux Dictre.

(To the Indian names are subjoined marks.)

We the undersigned, chiefs, head men and warriors of the Onondaga tribe of Indians residing on the Seneca reservations in the State of New-York, do hereby give our free and voluntary assent to the foregoing treaty as amended by the Senate of the United States on the eleventh day of June, 1838, the same having been submitted to us, by Ransom H. Gillet, a commissioner on the part of the United States and fully and fairly explained by him to our said tribe in council assembled.

Dated August 31st, 1838.

Silversmith,
Noah Silversmith,
William Jacket.

(To the Indian names are subjoined marks.)

The above signatures were freely given in our presence.

R.H. Gillet, Commissioner.
H.A.S. Dearborn,
Superintendent of Massachusetts.

Treaty 21

Author's Introduction. In this important cession treaty, the Oneida ceded the majority of their land in Wisconsin, which had originally been Menominee land. This treaty reduced the Oneida's holdings in Wisconsin to just 65,426 acres. In 1823 they had held nearly 4,000,000 acres, the largest amount they had held in Wisconsin.

The treaty further legitimized the growing division in the tribe by designating separate annuities and payments for the two parties of the Oneida, the Orchard Party and the First Christian Party. This was also the first of the treaties signed in Wisconsin to include a provision for allotments for all members of a tribe. The treaty's second article allowed for 100 acres to be given to each individual.

Though their lands were considerably reduced, for a time the Oneidas were the only tribe that "owned" land in Wisconsin. Major land cessions in the 1840s left all other tribes technically landless until the U.S. government restored some of their lands in the 1850s.

Treaty between the United States and the First Christian and Orchard Parties of the Oneida Indians at Green Bay (1838)

Oratory

The following is an excerpt from a petition to the President by Oneida Indians, signed on October 23, 1838, by Chief John Anthony and others, who responded to the treaty in the following manner. (In Bloom, 1969)

> . . . . Your Excellency, knows that, a Treaty was made and confirmed, with the first Christian and Orchard Parties of the Oneida Tribe of Indians on the 23^d of February 1838 . . . by which Treaty, s^d Tribe of Indians sold to the United States all their Lands, in the Vicinity of Green Bay; reserving 100. acres of said land to each Individual Indian, That the Treaty aforesaid, altho; made by a part and a minority of the Head men and Chiefs of said Tribe, Your Petitioners are willing to carry out in good faith as far as it goes; but they were then, and are now, willing, as they then, and now, consider it their interest, and that of the entire Tribe, to make and effect, stipulations and agreements, beyond the terms & provisions of the said Treaty; and such is now the opinion and desire of a large majority of the first Christian and Orchard parties of the Oneida Tribe.
>
> In the first place your Petitioners beleive it to be their interest (as it is the policy of their Great Father) that they go, West of the Mississippi, to lands to be assigned them out of the reach of the White Settlements; and those malign influencies which overcome and overreach the half civilized Indian relative to their property and Moral habits, ...

Complete Written Document

Articles of a treaty made at the City of Washington between Carey A. Harris, thereto specially directed by the President of the United States and the First Christian and Orchard parties of the Oneida Indians residing at Green Bay, by their chiefs and representatives.

Feb. 3, 1838.

7 Stat., 566.
Proclamation, May 17, 1838.

ART. 1. THE First Christian and Orchard parties of Indians cede to the United States all their title and interest in the land set apart for them in the 1st article of the treaty with the Menomonies of February 8th, 1831, and the 2d article of the treaty with the same tribe of October 27th, 1832.

Cession to the United States.

ART. 2. From the foregoing cession there shall be reserved to the said Indians to be held as other Indian lands are held a tract of land containing one hundred (100) acres, for each individual, and the lines of which shall be

Reservations to be made from said cession.

so run as to include all their settlements and improvements in the vicinity of Green Bay.

Consideration for said cession.

ART. 3. In consideration of the cession contained in the 1st article of this treaty, the United States agree to pay to the Orchard party of the Oneida Indians three thousand (3000) dollars, and to the First Christian party of Oneida Indians thirty thousand five hundred (30,500) dollars, of which last sum three thousand (3,000) dollars may be expended under the supervision of the Rev. Solomon Davis, in the erection of a church and parsonage house, and the residue apportioned, under the direction of the President among the persons having just claims thereto; it being understood that said aggregate sum of thirty-three thousand five hundred (33,500) dollars is designed to be in reimbursement of monies expended by said Indians and in remuneration of the services of their chiefs and agents in purchasing and securing a title to the land ceded in the 1st article. The United States further agree to cause the tracts reserved in the 2d article to be surveyed as soon as practicable.

Relinquishment by John Denny.

ART. 4. In consideration of the sum of five hundred (500) dollars to be paid to him by the chiefs and representatives of the said parties of Oneida Indians, John Denny (alias John Sundown,) their interpreter agrees to relinquish to them all his title and interest in the tract reserved in the 2d article of this treaty.

Expenses of this treaty to be paid by United States.

ART. 5. It is understood and agreed that the expenses of this treaty and of the chiefs and representatives signing it, in coming to and returning from this city, and while here, shall be paid by the United States.

Treaty binding when ratified.

ART. 6. This treaty to be binding upon the contracting parties when the same shall be ratified by the United States.

In witness whereof, the said Carey A. Harris and the undersigned chiefs and representatives of the said parties of Oneida Indians have hereunto set their hands at the City of Washington, this third day of February 1838.

C.A. Harris.

First Christians:
Henry Powles,
John Denny, alias John Sundown,
Adam Swamp,
Daniel Bread.
Orchard:
Jacob Cornelius.

In presence of—

Geo. W. Jones, Delegate Wisconsin Territory.
Solomon Davis.
Alfred Iverson.
O.S. Hall.
Jas. P. Maury.
Charles E. Mix.
Charles J. Love.
John Denny, alias John Sundown, Interpreter

(To the Indian names are subjoined marks.)

Treaty 22

Author's Introduction. With this treaty, the Stockbridge and Munsee Indians ceded the eastern half of the lands that the Winnebago and Menominee tribes had sold them on the eastern shores of Lake Winnebago. The Stockbridge-Munsees were to receive one dollar per acre for the lands ceded, with part of the money going to pay for new land for tribal members who were going west. Money from the sale would also pay for any improvements that Indians had made on their lands. The U.S. government reserved the balance for members of the tribe who wanted to stay on their remaining lands, distributing some of the money, and investing the rest.

This was a removal treaty as well as a land cession treaty, and while it did not require the Stockbridge-Munsees to move west of the Mississippi River, it did invite them to do so. The United States agreed in the treaty to pay for both removal and subsistence expenses for a year for those tribal members who emigrated west.

Treaty between the United States and the Stockbridge and Munsee Tribes (1839)

Commentary

The Commissioner of Indian Affairs, T. Hartley Crawford, published his yearly report, which included information from various representatives of the U.S. government. The following excerpt is from the *Annual Report of the Commissioner of Indian Affairs, November 25, 1839.* (pp. 485-86) In it, Territorial Governor Henry Dodge, in a report dated October 18, 1839, describes the land needs of various Wisconsin tribes.

> The Oneida, Munsee, and Stockbridge Indians, that are located within the Green Bay sub-agency, appear more like civilized than savage people, depending on the cultivation of the soil for their support. A part of these are very desirous to exchange the lands they now occupy for lands of the Government south of the Missouri river, and another part express an anxiety to be admitted to the rights and privileges of citizens. I am induced to believe that if this exchange of lands was effected, the condition of these Indians would be eventually improved. The Missouri country is better adapted to the growth of corn and the raising of stock, than that now held by them; and they would be removed from an intercourse with the whites—always fatal to the Indians. For this latter reason, these families found it advantageous to emigrate from the State of New York to Green Bay many years since; and now that their settlements are about to be surrounded by a white population, the same inducement will prompt them again to change their location. From the earliest period of the settlement of our country history has shown that the Indian never prospered in the vicinity of the white man. Few in numbers, the Oneidas, Stockbridges and Munsees more especially require the fostering and protecting care of the Government; which, I trust, will be extended to them. * * * * *
>
> Very respectfully, your obedient servant,
>
> HENRY DODGE,
> *Supt. Ind. Affairs.*
>
> T. HARTLEY CRAWFORD, Esq.
> *Commissioner of Indian Affairs*

Complete Written Document

Articles of a treaty made at Stockbridge in the Territory of Wisconsin, on the third day of September in the year of our Lord one thousand eight hundred and thirty-nine, between the United States of America, by their commissioner Albert Gallup, and the Stockbridge and Munsee tribes of Indians, who reside upon Lake Winnebago in the territory of Wisconsin.

Sept. 3, 1839.
7 Stat., 580.
11 Stat., 577.
Proclamation, May 16, 1840.

Land ceded to the United States.

ARTICLE 1. The Stockbridge and Munsee tribes of Indians (formerly of New York) hereby cede and relinquish to the United States, the east half of the tract of forty-six thousand and eighty acres of land, which was laid off for their use, on the east side of Lake Winnebago, in pursuance of the treaty made by George B. Porter commissioner on the part of the United States, and the Menominee nation of Indians, on the twenty-seventh day of October eighteen hundred and thirty-two. The said east half hereby ceded, to contain twenty-three thousand and forty acres of land; to be of equal width at the north and south ends, and to be divided from the west half of said tract of forty-six thousand and eighty acres, by a line to be run parallel to the east line of said tract. The United States to pay therefor, one dollar per acre at the time and in the manner hereinafter provided.

Payment therefor.

Payment to the emigrating party.

ART. 2. Whereas a portion of said tribes, according to a census or roll taken, and hereunto annexed, are desirous to remove west and the others to remain where they now are; and whereas the just proportion of the emigrating party in the whole tract of forty-six thousand and eighty acres is eight thousand seven hundred and sixty-seven and three-fourths acres of land; it is agreed that the United States pay to the said emigrating party, the sum of eight thousand seven hundred and sixty-seven dollars and seventy-five cents, as a full compensation for all their interest in the lands held by the party who remain, as well as in the lands hereby ceded to the United States.

Improvements of emigrating party to be paid for.

ART. 3. Whereas the improvements of the emigrating party are all on that part of the original tract which is reserved and still held by the party who remain in Stockbridge, and it is but equitable that those who remain should pay those who emigrate for such improvements; it is agreed that the United States shall pay to the emigrating party the sum of three thousand eight hundred and seventy-nine dollars and thirty cents, the appraised value of said improvements; and it is hereby agreed and expressly understood, that the monies payable to the emigrating party shall be distributed among the heads of families according to the schedule hereunto annexed, the whole amount to be paid to the emigrating party under this and the preceding article being the sum of twelve thousand six hundred and forty-seven dollars and five cents.

Balance of the consideration money to be invested, etc.

ART. 4. The balance of the consideration money for the lands hereby ceded, (after deducting the sums mentioned in the second and third articles,) amounting to the sum of ten thousand three hundred and ninety-two dollars and ninety-five cents, is to be paid to, and invested for the benefit of such of the Stockbridge and Munsee tribes of Indians (numbering three hundred and forty-two souls) as remain at their present place of residence at Stockbridge on the east side of Winnebago lake, as follows. Six thousand dollars of said sum to be invested by the United States in public stocks at an interest of not less than five per cent. per annum as a permanent school fund; the interest of which shall be paid annually to the sachem and counsellors of their tribes, or such other person as they may appoint to receive the same, whose receipt shall be a sufficient voucher therefor; and the balance thereof amounting to four thousand three hundred and ninety-two dollars and ninety-five cents, shall be paid to the said sachem and counsellors, or to such person as they may appoint to receive the same, whose receipt shall be a sufficient voucher therefor.

The moneys to be paid in one year.

ART. 5. The monies herein secured to be paid by the United States to the Stockbridge and Munsee tribes amounting in all to twenty-three thousand and forty dollars, are to be paid in manner aforesaid, in one year from the date hereof, or sooner if practicable.

Exploring party.

ART. 6. It is agreed that an exploring party not exceeding three in number may visit the country west, if the Indians shall consider it necessary, and that whenever those who are desirous of emigrating shall signify their wish to that effect, the United States will defray the expenses of their removal west of the Mississippi and furnish them with subsistence for one year after their arrival at their new homes. The expenses of the exploring party to be borne by the emigrants.

Mode of settling claims between Indians.

ART. 7. Whereas there are certain unliquidated claims and accounts existing between the emigrating party, and those who remain where they now are, which it is now impossible to liquidate and adjust; it is hereby agreed that the same shall be submitted to the agent of the United States who shall be appointed to make the payments under this treaty, and that his decision shall be final thereon.

In witness whereof we have hereunto set our hands and seals this third day of September in the year of our Lord one thousand eight hundred and thirty-nine.

Albert Gallup,
Commissioner on the part of the United States.

Austin E. Quinny, Sachem,
Thomas T. Hendrick,
John Metoxen,
Jacob Chicks,
Robert Konkapot,
Captain Porter, Munsee chief,
James Rain, Munsee war chief.
Stockbridges:
Timothy Jourdan,
Benjamin Palmer,
Jno. N. Chicks,
Jno. W. Quinney,
John P. Quinney,
John W. Newcom,
Thomas S. Branch,
Levi Konkapot,
John Littlemon,
Peter Sherman,
J.L. Chicks.

Munsee:
John Killsnake.
Stockbridges:
Jeremiah Singerland,
Jonas Thompson,
Eli Hendrick,
Elisha Konkapot,
Henry Skicket,
Simon S. Metoxen,
Samuel Miller,
Gerret Thompson,
Daniel David,
Ziba T. Peters,
Simeon Konkapot,
David Abrams,
Jonas Konkapot,
David Calvin,
Benjamin Pye, sen.
Aaron Ninham.

Signed and sealed in presence of—

A.S. Kellogg,
Cutting Marsh,
Clark Whitney,
John Deen,
John Wilber.

(To the Indian names are subjoined a mark and seal.)

Roll and schedule referred to in articles two and three of the treaty hereunto annexed.

Names of heads of families of emigrating party.	No. of each family.	No. of acres of land to each family.	Value of lands in dollars and cents.	Appraised value of improvements.	Total value of lands and improvements and amount to be paid to head of each family.
Thomas T. Hendrick	6	713	$713 00	$480 50	$1,193 50
Robert Konkapot	4	490½	490 50	939 00	1,429 50
Timothy Tousse	6	642	642 00	135 00	777 00
Elisha Konkapot	6	642	642 00	67 50	709 50
Cornelius Charles	7	686	686 00	....	686 00
Jonas Konkapot	3	321	321 00	56 25	377 25
Levi Konkapot	1	107	107 00	384 00	491 00
David Abrams	2	214	214 00	....	214 00
Dolly Dockstader	5	597	597 50	168 75	766 25
Eli Hendrick	3	321	321 00	238 25	559 25
Simeon Konkapot	3	321	321 00	....	321 00
Lydia Hendrick	1	107	107 00	305 00	412 00
Thomas S. Branch	1	131½	131 50	....	131 50
John Baldwin	1	107	107 00	....	107 00
John W. Newcom	5	535	535 00	....	535 00
Jonas Littleman	1	107	107 00	....	107 00
Henry Skickett	3	321	321 00	....	321 00
Betsy Bennet	1	107	107 00	....	107 00
Peter Sherman	1	107	107 00	390 00	497 00
David Calvin	1	44½	44 50	....	44 50
Eli Williams	1	107	107 00	....	107 00
Catherine Littleman	6	642	642 00	....	642 00
James Rain	6	642	642 00	40 00	682 00
Big Deer	1	107	107 00	....	107 00
Ziba T. Peters	3	246¼	246 25	144 30	390 55
Cornelius Chemaucum	2	214	214 00	....	214 00
And other heirs of Phebe Ducham	....	187½	187 50	530 75	718 25
	80	8,767¾	8,767 75	3,879 30	12,647 05

Treaty 23

Author's Introduction. In this treaty, the Chippewas ceded their remaining lands in Wisconsin. Rich in copper and timber, these lands were sought by non-Indians who wished to use, and often exploit, these resources. In return for this cession, the Chippewas were to receive $31,200 in cash goods and services for 25 years, $75,000 to pay debts to traders, $15,000 for mixed-bloods, and $5,000 for agricultural purposes.

The Chippewas continued their earlier practice of reserving their hunting, fishing, and gathering rights on the ceded lands. The treaty did not require the Chippewas to move from the ceded area. They were allowed to stay at the pleasure of the president. The Chippewas were told that as long as they "behaved" they would not be removed. Although there was a serious effort to remove them to Minnesota in 1850, the Chippewas resisted and obtained reservations in Wisconsin in 1854.

Treaty between the United States and the Chippewa Indians of the Mississippi and of Lake Superior (1842)

Oratory

Shortly after the treaty negotiations, Martin, the head chief of the Lac Courte Oreilles Bands, reflected on what he and other Chippewa leaders had insisted upon before agreeing to sign the treaty: (*Letters Received, La Pointe Agency*)

> We were told by the commissioner that our grand father [sic] wanted our lands for the sake of the mines, but that we might remain on them as long as our grand father see[s] fit. But I and my brother chiefs refused to touch the pen, unless . . . we should be permitted to live on the land as long as we behaved well and are peaceable with our grand father and his white children.

Complete Written Document

Oct. 4, 1842.

7 Stat., 591.
Proclamation,
Mar. 23, 1843.

Articles of a treaty made and concluded at La Pointe of Lake Superior, in the Territory of Wisconsin, between Robert Stuart commissioner on the part of the United States, and the Chippewa Indians of the Mississippi, and Lake Superior, by their chiefs and headmen.

ARTICLE I.

Land ceded to the United States.

The Chippewa Indians of the Mississippi and Lake Superior, cede to the United States all the country within the following boundaries; viz: beginning at the mouth of Chocolate river of Lake Superior; thence northwardly across said lake to intersect the boundery line between the United States and the Province of Canada; thence up said Lake Superior, to the mouth of the St. Louis, or Fond du Lac river (including all the islands in said lake); thence up said river to the American Fur Company's trading post, at the southwardly bend thereof, about 22 miles from its mouth; thence south to intersect the line of the treaty of 29th July 1837, with the Chippewas of the Mississippi; thence along said line to its southeastwardly extremity, near the Plover portage on the Wisconsin river; thence northeastwardly, along the boundery line, between the Chippewas and Menomonees, to its eastern termination, (established by the treaty held with the Chippewas, Menomonees, and Winnebagoes, at Butte des Morts, August 11th 1827) on the Skonawhy river of Green Bay; thence northwardly to the source of Chocolate river; thence down said river to its mouth, the place of beginning; it being the intention of the parties to this treaty, to include in this cession, all the Chippewa lands eastwardly of the aforesaid line running from the American Fur Company's trading post on the Fond du Lac river to the intersection of the line of the treaty made with the Chippewas of the Mississippi July 29th 1837.

ARTICLE II.

Hunting ground.

The Indians stipulate for the right of hunting on the ceded territory, with the other usual privileges of occupancy, until required to remove by the President of the United States, and that the laws of the United States shall be continued in force, in respect to their trade and inter course with the whites, until otherwise ordered by Congress.

ARTICLE III.

Unceded lands to be common property of the Indians.

It is agreed by the parties to this treaty, that whenever the Indians shall be required to remove from the ceded district, all the unceded lands belonging to the Indians of Fond du Lac, Sandy Lake, and Mississippi bands, shall be the common property and home of all the Indians, party to this treaty.

ARTICLE IV.

Sums to be paid by United States for cession.

In consideration of the foregoing cession, the United States, engage to pay to the Chippewa Indians of the Mississippi, and Lake Superior, annually, for twenty-five years, twelve thousand five hundred (12,500) dollars, in specie, ten thousand five hundred (10,500) dollars in goods, two thousand (2,000) dollars in provisions and tobacco, two thousand (2,000) dollars for the support of two blacksmiths shops, (including pay of smiths and assistants, and iron steel &c.) one thousand (1,000) dollars for pay of two farmers, twelve hundred (1,200) dollars for pay of two carpenters, and two thousand (2,000) dollars for the support of schools for the Indians party to this treaty; and further the United States engage to pay the sum of five thousand (5,000) dollars as an agricultural fund, to be expended under the direction of the Secretary of War. And also the sum of seventy-five thousand (75,000) dollars, shall be allowed for the full satisfaction of their debts within the ceded district, which shall be examined by the commissioner to this treaty, and the amount to be allowed decided upon by him, which shall appear in a schedule hereunto annexed. The United States shall pay the amount so allowed within three years.

Indian debts to be paid by United States.

Provision for half breeds.

Whereas the Indians have expressed a strong desire to have some provision made for their half breed relatives, therefore it is agreed, that fifteen thousand (15,000) dollars shall be paid to said Indians, next year, as a present, to be disposed of, as they, together with their agent, shall determine in council.

ARTICLE V.

Division of annuity.

Whereas the whole country between Lake Superior and the Mississippi, has always been understood as belonging in common to the Chippewas, party to this treaty; and whereas the bands bordering on Lake Superior, have not been allowed to participate in the annuity payments of the treaty made with the Chippewas of the Mississippi, at St. Peters July 29th 1837, and whereas all the unceded lands belonging to the aforesaid Indians, are hereafter to be held in common, therefore, to remove all occasion for jealousy and discontent, it is agreed that all the annuity due by the said treaty, as also the annuity due by the present treaty, shall henceforth be equally divided among the Chippewas of the Mississippi and Lake Superior, party to this treaty, so that every person shall receive an equal share.

ARTICLE VI.

Indians on mineral districts subject to removal.

The Indians residing on the Mineral district, shall be subject to removal therefrom at the pleasure of the President of the United States.

ARTICLE VII.

Obligatory when ratified.

This treaty shall be obligatory upon the contracting parties when ratified by the President of the United States.

In testimony whereof the said Robert Stuart commissioner, on the part of the United States, and the chiefs and headmen of the Chippewa Indians of the Mississippi and Lake Superior, have hereunto set their hands, at La Pointe of Lake Superior, Wisconsin Territory this fourth day of October in the year of our Lord one thousand eight hundred and forty-two.

Robert Stuart, Commissioner.
Jno. Hulbert, Secretary.

Crow wing River,	Po go ne gi shik,	1st chief.
Do.	Son go com ick,	2d do.[1]
Sandy Lake,	Ka non do ur uin zo,	1st do.
Do.	Na tum e gaw bon,	2d do.
Gull Lake,	Ua bo jig,	1st do.
Do.	Pay pe si gon de bay,	2d do.
Red Ceder Lake,	Kui ui sen shis,	1st do.
Do.	Ott taw wance,	2d do.
Po ke gom maw,	Bai ie jig,	1st do.
Do.	Show ne aw,	2d do.
Wisconsin River,	Ki uen zi,	1st do.
Do.	Wi aw bis ke kut te way,	2d do.
Lac de Flambeau,	A pish ka go gi,	1st do.
Do.	May tock cus e quay,	2d do.
Do.	She maw gon e,	2d do.
Lake Bands,	Ki ji ua be she shi,	1st do.
Do.	Ke kon o tum,	2d do.
Fon du Lac,	Shin goob,	1st do.
Do.	Na gan nab,	2d do.
Do.	Mong o zet,	2d do.
La Pointe,	Gitchi waisky,	1st do.
Do.	Mi zi,	2d do.
Do.	Ta qua gone e,	2d do.
Onlonagan,	O kon di kan,	1st do.
Do.	Kis ke taw wac,	2d do.
Ance,	Pe na shi,	1st do.
Do.	Guck we san sish,	2d do.
Vieux Desert,	Ka she osh e,	1st do.
Do.	Medge waw gwaw wot,	2d do.
Mille Lac,	Ne qua ne be,	1st do.
Do.	Ua shash ko kum,	2d do.
Do.	No din,	2d do.
St. Croix,	Be zhi ki,	1st do.
Do.	Ka bi na be,	2d do.
Do.	Ai aw bens,	2d do.
Snake River,	Sha go bi,	1st do.
Chippewa River,	Ua be she shi,	1st do.
	Que way zhan sis,	2d do.
Lac Courtulle,	Ne na nang eb,	1st do.
Do.	Be bo kon uen,	2d do.
Do.	Ki uen zi.	2d do.

---

[1] "Do." is synonymous with ditto.

In presence of—

Henry Blanchford, interpreter.
Samuel Ashmun, interpreter.
Justin Rice.
Charles H. Oakes.
William A. Aitkin.
William Brewster.
Charles M. Borup.

Z. Platt.
C.H. Beaulieau.
L.T. Jamison.
James P. Scott.
Cyrus Mendenhall.
L.M. Warren.

(To the Indian names are subjoined marks.)

Schedule of debts of Indians to be paid.

Schedule of claims examined and allowed by Robert Stuart, commissioner, under the treaty with the Chippewa Indians of the Mississippi and Lake Superior, concluded at La Pointe, October 4, 1842, setting forth the names of claimants, and their proportion of allowance of the seventy-five thousand dollars provided in the fourth article of the aforesaid treaty, for the full satisfaction of their debts, as follows:

No. of claim.	Name of claimant.	Proportion of $75,000. set apart in 4th article of treaty.
1	Edward F. Ely	$50 80
2	Z. Platt, esq., attorney for George Berkett	484 67
3	Cleveland North Lake Co	1,485 67
4	Abraham W. Williams	75 03
5	William Brewster	2,052 67
	This claim to be paid as follows, viz:	
	William Brewster, or order $1,929 77	
	Charles W. Borup, or order 122 90	
	$2,052 67	
6	George Copway	61 67
7	John Kahbege	57 55
8	Alixes Carpantier	28 58
9	John W. Bell	186 16
10	Antoine Picard	6 46
11	Michael Brisette	182 42
12	François Dejaddon	301 48
13	Pierre C. Duvernay	1,101 00
14	Jean Bts. Bazinet	325 46
15	John Hotley	69 00
16	François Charette	234 92
17	Clement H. Beaulieu, agent for the estate of Bazil Beaulieu, dec'd	596 84
18	François St. Jean and George Bonga	366 84
19	Louis Ladebauche	322 52
20	Peter Crebassa	499 27
21	B. T. Kavanaugh	516 82
22	Augustin Goslin	169 05
23	American Fur Company	13,365 30
	This claim to be paid as follows, viz:	
	American Fur Company 12,565 10	
	Charles W. Borup 800 20	
	$13,365 30	
24	William A. Aitken	935 67
25	James P. Scott	73 41
26	Augustin Bellanger	192 35
27	Louis Corbin	12 57
28	Alexes Corbin	596 03
29	George Johnston	35 24
30	Z. Platt, esq., attorney for Sam'l Ashman	1,771 63
31	Z. Platt, esq., attorney for Wm. Johnson	390 27
32	Z. Platt, esq., attorney for estate of Dan'l Dingley	1,991 62
33	Lyman M. Warren	1,366 65
34	Estate of Michael Cadotte, *disallowed.*	
35	Z. Platt, esq., attorney for estate of E. Roussain	959 13

36	Joseph Dufault		144 32
37	Z. Platt, esq., attorney for Antoine Mace		170 35
38	Michael Cadotte		205 60
39	Z. Platt, esq., att'y for François Gauthier		167 05
40	Z. Platt, esq., att'y for Joseph Gauthier		614 30
41	Z. Platt, esq., attorney for J. B. Uoulle		64 78
42	Jean Bts. Corbin		531 50
43	John Hulbert		209 18
44	Jean Bts. Couvellion		18 80
45	Nicholas Da Couteau, *withdrawn*.		
46	Pierre Cotté		732 50
47	W.H. Brockway and Henry Holt, executors to the estate of John Holliday, dec'd		3,157 10
48	John Jacob Astor		37,994 98
	This claim to be paid as follows, viz:		
	Charles W. Borup	1,676 90	
	Z. Platt, esq	2,621 80	
	John Jacob Astor	23,696 28	
		$27,994 98	
49	Z. Platt, esq., attorney for Thos. Connor		1,118 60
50	Charles H. Oakes		4,309 21
51	Z. Platt, esq., attorney for Wm. Morrison		1,074 70
52	Z. Platt, esq., att'y for Isaac Butterfield		1,275 56
53	J.B. Van Rensselaer		62 00
54	William Brewster and James W. Abbot		2,067 10
	The parties to this claim request no payment be made to either without their joint consent, or until a decision of the case be had, in a court of justice.		
55	William Bell		17 62
			$75,000 00

Robert Stuart, Commissioner.
Jno. Hulbert, Secretary.

Treaty 24

Author's Introduction. After Wisconsin reached statehood in 1848, the Menominees faced increased pressure to cede their Wisconsin lands and to relocate west of the Mississippi River. Commissioner of Indian Affairs William Medill himself attended the annual annuity payment for the tribe in 1848. Medill pushed for a Menominee cession of all their Wisconsin lands and their removal to the Crow Wing River in north-central Minnesota. Menominee leader Oshkosh objected, but his complaints fell on deaf ears. Threatened with certain removal, Oshkosh and others signed a removal treaty to garner at least a cash payment.

In payment for all of their remaining Wisconsin lands, the tribe was due to receive 600,000 acres in Minnesota, land that the Chippewa and Sioux tribes had recently ceded in that region. In addition, the treaty provided the Menominees with $350,000 to be used to settle debts, pay mixed-bloods, build a new school, and help to cover expenses for the first few years after their removal west. The treaty required removal within two years, but the tribe managed to expand that term until 1856, when they were able to negotiate for a permanent home in Wisconsin.

Treaty between the United States and the Menominee Tribe (1848)

Oratory

A French-American observer and relation to the tribe recreated the conversation he heard among the Menominees during the negotiation of this treaty. The following is an excerpt of a Menominee chief's spoken words to his tribe. (In Keesing, 1987, p. 140)

> You don't expect he has come to decorate your ears with silver ear bobs? No, he comes simply to get the balance of our country! . . . he proposed to remove us across the Mississippi . . . he says there is an abundance of all kinds of game there; that the lakes and rivers are full of fish and wild rice.
>
> (His listeners interrupt: "Why doesn't he go himself and live in such a fine country!")
>
> You know how the Kechemocoman (Great Knife, as they named the American) never gets rebuked at a refusal; but will persist, and try over and over again till he accomplish his purpose.

Complete Written Document

Oct. 18, 1848.

9 Stat., 952.
Ratified Jan. 23, 1849.

Articles of a treaty made and concluded at Lake Pow-aw-hay-kon-nay, in the State of Wisconsin, on the eighteenth day of October, one thousand eight hundred and forty-eight, between the United States of America, by William Medill, a commissioner duly appointed for that purpose, and the Menomonee tribe of Indians, by the chiefs, headmen, and warriors of said tribe.

Peace perpetual.

ARTICLE 1. It is stipulated and solemnly agreed that the peace and friendship now so happily subsisting between the Government and people of the United States and the Menomonee Indians shall be perpetual.

Cession of lands.

ARTICLE 2. The said Menomonee tribe of Indians agree to cede, and do hereby cede, sell, and relinquish to the United States all their lands in the State of Wisconsin, wherever situated.

Home provided for said tribe.

ARTICLE 3. In consideration of the foregoing cession, the United States agree to give, and do hereby give, to said Indians for a home, to be held as Indians' lands are held, all that country or tract of land ceded to the said United States by the Chippewa Indians of the Mississippi and Lake Superior, in the treaty of August 2, 1847, and the Pillager band of Chippewa Indians, in the treaty of August 21, 1847, which may not be assigned to the Winnebago Indians, under the treaty with that tribe of October 13, 1846, and which is guarantied to contain not less than six hundred thousand acres.

Payment of $350,000 by United States.

ARTICLE 4. In further and full consideration of said cession, the United States agree to pay the sum of three hundred and fifty thousand dollars, at the several times, in the manner, and for the purposes following, viz:

To chiefs, for preparation for removal.

To the chiefs, as soon after the same shall be appropriated by Congress as may be convenient, to enable them to arrange and settle the affairs of their tribe preparatory to their removal to the country set apart for and given to them as above, thirty thousand dollars.

To mixed bloods.

To such person of mixed blood, and in such proportion to each as the chiefs in council, and a commissioner to be appointed by the President, shall designate and determine, and as soon after the appropriation thereof as may be found practicable and expedient, forty thousand dollars.

Expenses of removal.

In such manner and at such times as the President shall prescribe, in consideration of their removing themselves, which they agree to do, without further cost or expense to the United States, twenty thousand dollars.

Subsistence after removal.

In such manner and at such times as the President shall prescribe, in consideration of their subsisting themselves the first year after their removal, which they agree to do, without further cost or expense on the part of the United States, twenty thousand dollars.

Manual-labor school, mill, etc., in new country.

To be laid out and applied, under the direction of the President, in the establishment of a manual-labor school, the erection of a grist and saw mill, and other necessary improvements in their new country, fifteen thousand dollars.

Person to direct mill.

To be laid out and applied, under the direction of the President, in procuring a suitable person, to attend and carry on the said grist and saw mill for a period of fifteen years, nine thousand dollars.

Blacksmith shop, iron, etc.

To be laid out and applied, under the direction of the President, in continuing and keeping up a blacksmith's shop, and providing the usual quantity of iron and steel for the use and benefit of said tribe, for a period of twelve years, commencing with the year one thousand eight hundred and fifty-seven, and when all provision for blacksmiths' shops under the treaty of 1836 shall cease, eleven thousand dollars.

Individual improvements on ceded land.

To be set apart, applied, and distributed under the direction of the President, in payment of individual improvements of the tribe upon the lands above ceded to the United States, five thousand dollars.

Balance in ten annual installments.

And the balance, amounting to the sum of two hundred thousand dollars, to be paid over to the tribe, as Indian annuities are required to be paid, in ten equal annual instalments, commencing with the year one thousand eight hundred and fifty-seven, and when their annuities or annual instalments under the treaty of 1836 shall have ceased.

Sum invested in stocks under treaty of 1836, how applied.

ARTICLE 5. It is stipulated and agreed, that the sum now invested in stocks, under the Senate's amendment to the treaty of 1836, with the interest due thereon at this time, shall be and remain invested, under the direction of the President, and that the interest hereafter arising therefrom shall be disposed of as follows: that is to say, so much thereof as may be necessary to the support and maintenance of the said manual-labor school, and other means of education, and the balance be annually paid over in money as other annuities, or applied for the benefit and improvement of said tribe, as the President, on consultation with the chiefs, may, from time to time, determine.

Exploration of new country.

ARTICLE 6. To enable the said Indians to explore and examine their new country, and as an inducement to an early removal thereto, it is agreed that the United States will pay the necessary expenses of a suitable delegation, to be selected for that purpose, under the direction of the President.

Deficit in goods delivered in 1837 to be made up.

ARTICLE 7. It is alleged that there were less goods delivered to the said Indians at the annuity payment of 1837 than were due and required to be paid and delivered to them under the stipulations of their treaties with the United States then in force; and it is therefore agreed that the subject shall be properly investigated, and that full indemnity shall be made to them for any loss which they may be shown to have sustained.

To remain on ceded lands for two years.

ARTICLE 8. It is agreed that the said Indians shall be permitted, if they desire to do so, to remain on the lands hereby ceded for and during the period of two years from the date hereof, and until the President shall notify them that the same are wanted.

Robert Grignon to preempt certain land.

ARTICLE 9. It is stipulated that Robert Grignon, who has erected a sawmill upon the Little Wolf River, at his own expense, for the benefit and at the request of said Indians, shall have the right of a preemptor to the lands upon which such improvements are situated, not exceeding in quantity on both sides of said river one hundred and sixty acres.

Treaty to be binding as soon as ratified by the President and Senate.

ARTICLE 10. This treaty to be binding on the contracting parties as soon as it is ratified by the President and Senate of the United States.

In testimony whereof, the said William Medill, Commissioner as aforesaid, and the chiefs, headmen, and warriors of the said Menomonee tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year aforesaid.

W. Medill, [SEAL.]
Commissioner on the Part of the United States.

Signed and sealed in the presence of us—
Albert G. Ellis, Sub-Agent,
Chas. A. Grignon, U.S. Interpreter,
F.J. Bonduel, Missionary Priest among the Menomonee Indians.
M.L. Martin,
P.B. Grignon,
Samuel Ryan,
A.G. Grignon,
John B. Jacobs.

Osh, Kush,
Jau-ma-tau,
Waw-kee-che-un,
Sage-toke,
Wy-tah-sauh,
Kee-chee-new,
Chee-cheequon-away,
Corron Glaude,
Sho-nee-nieu,
Lamotte,
Che-quo-tum,
Shaw-wan-on,
Ah-ko-no-may,
Shaw-poa-tuk,
Wau-po-nan-ah,
Sho-na-new, Jr.,
Pah-maw-po-may,
Naw-kaw-chis-ka,
Show-anno-penessee,
Tah-ko,
Osh-kish-he-nay-new,
Little Wave,
Muck-atah-penesse,
Wa-pee-men-shaw,
Ah-ke-na-pe-new,
Ah-kaw-mut,
Kee-she-teu-ke-tau,
She-pau-na-ko,
Naw-kaw-nish-kau-wa.

(To each of the names of the Indians is affixed his mark.)

Witnesses:

William Powell,
John B. Dube,
John G. Kittson,
Robt. Grignon,
Charles Caron,
Antoine Gotheiu,
F. Desnoyers,
Louis G. Porhir,
O.W.F. Bruce.

Treaty 25

Author's Introduction. This treaty clearly shows the complexity of United States Indian land policy in Wisconsin. Although the title of this treaty only mentions the Stockbridge Indians by name, the Munsee Indians were also considered part of this group. In 1843, four years after ceding the eastern half of their lands in Wisconsin, the U.S. government allotted the remaining land of the Stockbridge-Munsees to individual Indians. This act further divided the tribe into one group that favored allotment, another that wanted tribal ownership of land. Physically dividing these factions did not successfully satisfy either tribal group. With the new state government applying additional pressure for more available territory for settlement, the United States negotiated this treaty in which the Stockbridge-Munsees ceded their remaining lands in Wisconsin. This land cession included the individual allotments.

Indians were allowed to stay on the lands until their removal, which was to take place within one year of the signing of the treaty. The government also agreed to pay for removal and for subsistence costs for one year after removal. Because the U.S. government could find no suitable home west of the Mississippi River, this treaty made these Indians homeless until a reservation was secured for them in 1856 on Menominee lands in Wisconsin.

Treaty between the United States and the Stockbridge Indians (1848)

Oratory

The following excerpt is from John W. Quinney, self-identified as a *Sachem*, or tribal leader, and is listed on the written document of the treaty as a "Councillor." His description of the Stockbridge understanding of the treaty agreement is another example of the diverse perspectives brought to the negotiations by Indians and non-Indians. (*Documents Relating to . . . 1801-1869*, Roll 4)

> Stockbridge, Wisconsin, June 6, 1849.
>
> To the Hon. the Com. of Indian Affairs . . . .
>
> although the said article of ratification, contains a clause by which the said Stockbridges are required to "release and relinquish to the said United States all claims and demands of whatsoever nature or kind," yet the said Stockbridges *believe they do not thereby release the government of the United States from the payment*, in future, *of any annuities secured to the said Stockbridges by or under, former and subsisting treaties* between them and the said United States.
>
> Done and signed in Council the day and year above written.
>
> John W. Quinney Sachem . . . . (*et al.*)

Complete Written Document

Nov. 24, 1848.

9 Stat., 955.
Ratified Mar. 1. 1849.
Preamble.
1843, ch. 101.

WHEREAS by an act of Congress entitled "An act for the relief of the Stockbridge tribe of Indians, in the Territory of Wisconsin," approved on the third day of March, A.D. 1843, it was provided that the township of land on the east side of Winnebago Lake, secured to said tribe by the treaty with the Menomonee Indians of February 8th, 1831, as amended by the Senate of the United States, and not heretofore ceded by said tribe to the United States, should be divided and allotted among the individual members of said tribe, by commissioners to be elected for that purpose, who were to make report of such division and allotment, and thereupon the persons composing said tribe were to become citizens of the United States.

And whereas a portion of said tribe refused to recognize the validity of said act of Congress, or the proceedings which were had under it, or to be governed by its provisions, and upon their petition a subsequent act was

1846, ch. 85.

passed by the Congress of the United States, on the 6th day of August, 1846, repealing the said act of March 3d, 1843, and providing, among other things, that such of said tribe as should enroll themselves with the subagent of Indian affairs at Green Bay, should be and remain citizens of the United States, and the residue of said tribe were restored to their ancient form of government as an Indian tribe. It was also provided that the said township of land should be divided into two districts, one of which was to be known as the "Indian district," the other as the "citizen district;" the former to be held in common by the party who did not desire citizenship, and the latter to be divided and allotted among such as were citizens and desired to remain so.

And whereas it has been found impracticable to carry into full effect the provisions of the act of August 6th, 1846, by dividing the said township of land in the manner specified in said act, without infringing upon private rights acquired in good faith under the act of 1843 hereinbefore referred to, with a view of relieving both the Indian and citizen parties of said Stockbridge tribe of Indians from their present embarrassments, and to secure to each their just rights, articles of agreement and compromise have been entered into, as follows:

Articles of agreement and treaty made and concluded at Stockbridge, in the State of Wisconsin, on the 24th day of November, in the year of our Lord one thousand eight hundred and forty-eight, by and between the undersigned, acting commissioners on the part of the United States of America, and the Stockbridge tribe of Indians.

Renunciation of rights under act of 1843, ch. 101.

Acknowledge guardianship of United States.

ARTICLE 1. The said Stockbridge tribe of Indians renounce all participation in any of the benefits or privileges granted or conferred by the act of Congress entitled "An act for the relief of the Stockbridge tribe of Indians, in the Territory of Wisconsin," approved March 3, 1843, and relinquish all rights secured by said act; and they do hereby acknowledge and declare themselves to be under the protection and guardianship of the United States, as other Indian tribes.

Census of tribe.

ARTICLE 2. That no misunderstanding may exist, now or hereafter, in determining who compose said tribe and are parties hereto, it is agreed that a roll or census shall be taken and appended to this agreement, and in like manner taken annually hereafter, and returned to the Secretary of the War Department of the United States, containing the names of all such as are parties hereto, and to be known and recognized as the Stockbridge tribe of Indians, who shall each be entitled to their due proportion of the benefits to be derived from the provisions made for their tribe by this and former agreements; and whenever any of them shall separate themselves from said tribe, or abandon the country which may be selected for their future home, the share or portion of such shall cease, and they shall forfeit all claims to be recognized as members of said tribe.

Cession to United States.

ARTICLE 3. The said Stockbridge tribe of Indians hereby sell and relinquish to the United States the township of land on the east side of Lake Winnebago, (granted and secured to said tribe by the treaty with the Menomonee tribe of Indians of February 8, 1831, as amended by the resolution of the Senate of the United States,) and situated in the State of Wisconsin.

Survey of land ceded and patents to issue for land allotted under act of 1843, ch. 101.

ARTICLE 4. The said township of land shall be surveyed into lots, in conformity with the plan adopted by the commissioners elected under the act of March 3, 1843, and such of said lands as were allotted by said commissioners to members of said tribe who have become citizens of the United States (a schedule of which is hereunto annexed) are hereby confirmed to such individuals respectively, and patents therefor shall be issued by the United States. The residue of said lands belonging to the United States shall be brought into market but shall not be sold at less than the appraised value, unless the Senate of the United States shall otherwise determine.

Sale of residue.

Payment to tribe for necessaries, etc.

ARTICLE 5. In consideration of the cession and relinquishment hereinbefore made by the said Stockbridge tribe of Indians, it is agreed that the United States shall pay to said tribe, within six months after the ratification of this agreement, the sum of sixteen thousand five hundred dollars, to enable them to settle their affairs, obtain necessaries, and make provision for establishing themselves in a new home.

Payment for improvements on ceded land.

ARTICLE 6. The United States shall also pay to said tribe, within six months after the ratification of this agreement, the sum of fourteen thousand five hundred and four dollars and eighty-five cents, being the appraised value of their improvements upon the lands herein ceded and relinquished to the United States, and to be paid to the individuals claiming said improvements according to the schedule and assessment herewith transmitted.

Tribe to remain on ceded lands for one year.

ARTICLE 7. It is further stipulated and agreed that the said Stockbridge tribe may remain upon the lands they now occupy for one year after the ratification of this agreement, and that they will remove to the country set apart for them, or such other west of the Mississippi River as they may be able to secure, where all their treaty stipulations with the Government shall be carried into effect.

Expenses of removal and subsistence.

ARTICLE 8. Whenever the said Stockbridge tribe shall signify their wish to emigrate, the United States will defray the expenses of their removal west of the Mississippi and furnish them with subsistence for one year after their arrival at their new home.

Investment of funds.

ARTICLE 9. It is further stipulated and agreed, that, for the purpose of making provision for the rising generation of said tribe, the sum of sixteen thousand five hundred dollars shall be invested by the United States in stock, bearing an interest of not less than five per cent, per annum, the interest of which shall be paid annually to said tribe, as other annuities are paid by the United States.

Survey.

ARTICLE 10. It is agreed that nothing herein shall prevent a survey of said lands, at any time after the ratification of this agreement, and that said tribe shall commit no waste or do unnecessary damage upon the premises occupied by them.

United States to pay expenses of tribe since 1843.

ARTICLE 11. The United States will pay the expenses incurred by the sachem and head-men, amounting to three thousand dollars, in attending to the business of said tribe since the year 1843.

ARTICLE 12. This agreement to be binding and obligatory upon the contracting parties from and after its ratification by the Government of the United States.

In witness whereof, the said commissioners, and the sachem, councillors, and headmen of said tribe, have hereunto set their hands and seals, the day and year above written.

Morgan L. Martin, [L.S.]
Albert G. Ellis, [L.S.]
Augustin E. Quinney, sachem, [L.S.]
Zeba T. Peters, [L.S.]
Peter D. Littleman, Councillors. [L.S.]
* Abram Pye, [L.S.]
Joseph M. Quinney, [L.S.]
Samuel Stephens, [L.S.]
John Metoxen, [L.S.]
John W. Quinney, Councillors. [L.S.]
Samuel Miller, [L.S.]
* David Palmer, [L.S.]
Ezekiel Robinson, [L.S.]
* James Joshua, [L.S.]
* Garrett Thompson, [L.S.]
Jeremiah Slingerland, [L.S.]

* Benjamin Pye, 2d, [L.S.]
Simon S. Metoxen, [L.S.]
Daniel Metoxen, [L.S.]
* Moses Charles, [L.S.]
* Benjamin Pye, 3d, [L.S.]
* Jacob Jehoiakim, [L.S.]
* Laurens Yocron, [L.S.]
* Thomas Schanandoah, [L.S.]
* John W. Quinney, jr., [L.S.]
* Nicolas Palmer, [L.S.]
John P. Quinney, [L.S.]
* Washington Quinney, [L.S.]
* Aaron Turkey. [L.S.]

To each of the names of the Indians marked with an asterisk is affixed his mark.

In presence of—
Charles A. Grignon, U.S. Interpreter.
Lemuel Goodell,
Eleazer Williams,
Charles Poreuninozer.

SUPPLEMENTAL ARTICLE.

Claims.

Whereas the Stockbridge and Munsee Indians consider that they have a claim against the United States for indemnity for certain lands on White River in the State of Indiana, and for certain other lands in the State of Wisconsin, which they allege they have been deprived of by treaties entered into with the Miamies and Delawares, or to the lands claimed by them in Indiana, and with the Menomonees and Winnebagoes, or to the lands in Wisconsin, without their consent; and whereas the said Stockbridge and Munsee Indians, by their chiefs and agents, have continued to prosecute their said claims during the last twenty years at their own expense, except the sum of three thousand dollars paid them in 1821; and whereas it is desirable that all ground of discontent on the part of said Indians shall be removed, the United States do further stipulate, in consideration of the relinquishment by them of said claims, and all others, except as provided in this treaty, to pay the sachems or chiefs of said Indians, on the ratification of this article by them, with the assent of their people, the sum of five thousand dollars, and the further sum of twenty thousand dollars, to be paid in ten annual instalments, to commence when the said Indians shall have selected and removed to their new homes, as contemplated by the seventh article of this treaty.

Payment for relinquishment of certain claims.

The President of the United States, within two years from the ratification of this treaty, shall procure for the use of said Stockbridge Indians a quantity of land west of the Mississippi River, upon which they shall reside, not less than seventy-two sections, said Indians to be consulted as to the location of said land, and to be holden by the same tenure as other Indian lands.

Roll or census of the Stockbridge tribe of Indians, taken in conformity with the provisions of the second article of the within agreement.

Heads of families.	Male.	Female.	Boys.	Girls.	Total.
Austin E. Quinney	1	1	3	4	9
John Metoxen	1	---	---	2	1
Benjamin Pye, sen	1	1	---	1	3
Garret Thompson	1	1	2	---	4
Elisha Konkapot	1	1	1	---	3
John W. Quinney	1	---	---	---	1
John P. Quinney	1	1	1	---	3
Peter D. Littleman	1	1	1	2	5
Jonas Thompson	1	1	1	1	4
James Joshua	1	---	---	---	1
Joseph M. Quinney	1	1	2	1	5

Roll or census of the Stockbridge tribe of Indians, etc.—Continued.

Heads of families.	Male.	Female.	Boys.	Girls.	Total.
Simon L. Metoxen	1	1	2	5	9
Benjamin Pye, 2d	1	1	1	3	6
Thomas Schenandoah	1	1	---	---	2
Aaron Turkey	1	1	2	2	6
Abram Pye	1	1	4	1	7
Benjamin Pye, 4th	1	1	---	1	3
Benjamin Doxtater	1	1	1	1	4
Moses Charles	1	1	1	1	4
Benjamin Pye, 3d	1	1	1	1	4
Eli Williams	1	---	---	---	1
David Palmer	1	1	1	---	3
Jacob Konkapot	1	1	---	1	3
Daniel Metoxen1	1	1	---	---	2
Elizabeth Palmer (widow)	---	1	1	1	3
Elizabeth Aaron	---	1	1	2	4
Catharine Butterfield	---	1	---	1	2
Samuel Miller	1	1	4	2	8
Louisa Jamison	---	1	---	---	1
Jacob Jahoicum	1	---	---	---	1
Anna Turkey	---	1	---	---	1
Jeremiah Slingerland	1	---	3	---	4
John Yocum	1	1	---	2	4
Elizabeth Wilber	---	1	1	3	5
John W. Quinney, jr., and sister	1	1	---	---	2
Clarissa Miller and son	1	1	---	---	2
Elizabeth Pye	---	1	---	1	2
Phoebe S. Ricket	---	1	---	---	1
Josiah Abrams, wife, and sister	1	2	---	---	3
Jeremiah Bennet	1	2	---	2	5
Paul Pye	1	1	1	---	3
Peter Bennet	1	---	---	---	1
Ziba T. Peters	1	1	2	---	4
Ezekiel Robinson and brother	---	---	2	---	2
Lawrence Yocum	1	---	---	---	1
Moses Doxtater	1	---	---	1	2
Lucinda Quinney	---	1	2	1	4
Jemima Doxtater	---	1	---	---	1
Amelia Quinney	---	1	1	---	2
Peter Bennet, sen	1	1	1	3	6
John Bennet	1	1	1	1	4
Levi Konkapot	1	---	---	---	1
Samuel Stevens	1	---	---	---	1
John Killsnake	1	---	---	---	1
Lewis Hendricks	1	---	---	---	1
Diana Davids	---	1	---	---	1
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M.L. Martin,
Albert G. Ellis,
Austin E. Quinney.

Stockbridge, November 24, 1848.

John Metoxen,
John W. Quinney,

Samuel Miller,
Ziba T. Peters,

Peter D. Littleman,
Abram Pye,
Joseph M. Quinney,
Samuel Stephens,
Jeremiah Slingerland,
Benjamin Pye, 2d,
Simon S. Metoxen,
Daniel Metoxen,
Moses Charles,
Benjamin Pye, 3d,
Jacob Jehoiakim,
David Palmer,
Ezekiel Robinson,
James Joshua,
Garret Thompson,
Laurens Yocum,
Thomas Schanandoah,
Joshua W. Quinney, jr.,
Nicholas Palmer,
John P. Quinney,
Washington Quinney,
Aaron Turkey.

Schedule of lands to be patented to individuals under the 4th article of the above agreement.

Names.	No. of lot.	No. of acres.
Josiah Chicks	1	
Nancy Chicks	2	
John N. Chicks	4	
Jacob Davids	5	
Harvey Johnson	8	
Hannah P. Chicks	10	
Dindemia, Big Deer	1/3 E. end 14	22. 66
Puella Jourdain	16	
Jacobs Chicks	17	
John N. Chicks	18	
Josiah Chicks	20	
Jacob Chicks	21	
Jos. L. Chicks	22	
Jacob Chicks	23	
John N. Chicks	24	
Moses E. Merrill	25, 26, 27	
John N. Chicks	28, 29	
Jane Dean	30	
Mariette Abrams	31	
Catharine Mills	N. 1/2 32	30. 62
Joseph L. Chicks	33	
John Dick	37	
John More	38	
Isaac Jacobs	40	
Benjamin Welch	31	
Lucy Jacobs	44	
Daniel Davids	47	
Daniel Davids	N. 1/2 48	
John W. Abrams	S. 1/2 48	
Louisa Davids	50	
Harry E. Eastman	51	
Eunice Abrams	52	
Daniel Davids	53	
John N. Chicks	54	
Hoel S. Wright	S. part of 55	5
Oscar Wright	N. part of 55	57 1/2
John Littleman	S 1/2 56	
Daniel Davids	N 1/2 56	
Darius Davids	57	
Margaret Davids	58	
Daniel Davids	60	
Erastus Welch, (a strip E. of road)	65	6 chains 25 lks. wide off S. side of lot.

Schedule of lands to be patented to individuals under the 4th article of the above agreement—Continued.

Names.	No. of lot.	No. of acres.
Richard Fiddler	E. of road 65	Balance of the lot.
Henry Modlin	part 65	W. of road, $54^{3}/_{8}$
Henry Jacobs	63	
Lucy Jacobs	frac'l part of 66	W. of road, 50.50
John W. Abrams	E $^{1}/_{2}$ 68	
John Dick	70	
Eunice Abrams	N. $^{1}/_{2}$ 76	
Mary Hendrick	E. $^{1}/_{2}$ 78	
Isaac Jacobs and George Bennet	79	
John N. Chicks	81	
John N. Chicks and Jacob Davids	82	
Nancy Hunt	W. $^{1}/_{2}$ 83	$31^{1}/_{4}$
James Menagre and Betsy Menagre	part of 84 E. end	$15^{1}/_{2}$
Betsy Wyatt	W. $^{1}/_{2}$ 85 & 86	$62^{1}/_{2}$
William Gardner	87	
Timothy Jourdain	90	
Timothy Jourdain	S. $^{1}/_{2}$ 91	31. 25
Charles Stevens	92 & 94	
Nancy Homm	98	
Joseph L. Chicks	102	
John N. Chicks	103	
John Moore	105	
Josiah Chicks	106	
John N. Chicks	110	
Timothy Jourdain	111, 112	
John Littleman	113	
Nathan Goodell	115	
Charles Stevens	S. part 119	50
Catharine Littleman	E. part 128	54. 60
John Moore	129	
John W. Abrams	130	
Jacob Davids	131	
Adam Sheriff	W. $^{1}/_{2}$ 132	31. 25
Jacob Davids	133	
Joseph L. Chicks	134	
Catharine Mills	W. $^{1}/_{2}$ 136	
Joseph Doxtater	144 & 145	
Isaac Jacobs	151	
Alexander Abrams	154	
Jacob Davids	155	
Darius Davids	156	
John Littleman	157	
Isaac Jacobs	158	
Hannah W. Chicks	159	
Catharine Mills	160	
Nathan Goodell	170	
John N. Chicks	173	
James N. Lane	174	
Jacob Davids	175	
Job Moore	176	

Schedule of lands to be patented to individuals under the 4th article of the above agreement—Continued.

Names.	No. of lot.	No. of acres.
Thomas J. Chicks	179	
Harvey Johnson	180	
Nancy Gardner	181	
Abagail Jourdain	182	
Abram Chicks	184	
Bartholomew Bowman	186	
Harriet Jourdain	187	
Andrew Chicks	188	
Sarah Davids	189	
Job Moore	191	
William Gardner	S. part of 192, and 221	50
Mordy Mann	N. part of 192, and 221	70
Mary N. Chicks	194	
William Gardner	220	
Triphane E. Jourdain	222	
Caleb Moors	223	
Isaac Simons	224	
Isabel Chicks	225	
Sophia M. Jourdain	226	
Jesse Bownan	227	
Catharine Franks	228	
Jonathan Chicks	229	
Jonas Davids	231	
Adam Davids	232	
Linke Jourdain	233	
Elizabeth Moore	234	
Joseph Doxtater	235	
George Bennet	237	
Isaac Simmons	240	
Abigail Moore	263	
Henry Moore	264	
William Scott	265	
William Scott	S. 1/2 266	
George Bennet	N. 1/2 266	
Reuben Johnson	267	
Silas Jourdain	268	
Jesse M. Jourdain	271	
Simon Gardner	274	
Hannah Moore	276	
Solomon Davids	277	
Edward Howell	279	
Harriet Johnson	280	
Lucinda Gardner	282	
Hope Moore	284	
Jemison C. Chicks	308	
Obadiah Gardner	309	
Rachael Davids	313	
Julius Davids	314	
Elizabeth Bowman	315	
Jeremiah Gardner	316	
Mary Jane Bowman	317	
Nancy Johnson	319	

Schedule of lands to be patented to individuals under the 4th article of the above agreement—Continued.

Names.	No. of lot.	
Jason Simmons	320	
Betsy Menagre	321	
Darius Davids	323	
Humble M. Jourdain	325	
Stephen Gardner	326	
Francis T. Davids	327	
Mary McAllister	328	
Mary Hendrick	335	
Susannah Hendrick	349	
Jacob Moore	355	
David Gardner	357	
George Gardner	359	
Catharine Bowman	360	
Serepta Johnson	361	
Thankful Stephens	362	
William Gardner	364	
Joseph Chicks	365	
John Chicks	366	
Charles Stephens	367, 368	
Timothy Jourdain	369, 370, 371	
Jacob Chicks	372, 373	
Paul D. Hayward	375	
State of Wisconsin	383	School purposes.
Timothy Jourdain	384	
Jeremiah Johnson	385, 389	
American Board of Commissioners for Foreign Missions.	386, 390	
Jacob Chick	387, 391	
Timothy Jourdain	388	
John N. Chicks	392, 396	
William Gardner	393, 394, 397, 398	
Lemuel Goodell	N. end 395 2 acres.	

M.L. Martin.
Albert G. Ellis.

Valuation of improvements, (vide Art. 6.)

	Acres.	Dollars.
Austin E. Quinney	163.38	2,760 63
	49.50	718 25
Joseph M. Quinney	30.90	617 15
Samuel Stevens	38.76	703 26
Moses Chicks	43.00	980 50
Elizabeth Palmer	29.06	512 41
Samuel Miller	55.62	880 87
Elisha Konkapot	5.00	142 50
Peter D. Littleman	3.25	168 88
John P. Quinney	15.50	267 50
Heirs of J. Yocum	5.78	78 03
Aaron Turkey	6.00	311 00
Benjamin Pye, 2d	40.00	640 00
John Metoxen	50.00	825 00

Mrs. B. Wright	5. 00	67 50
Abraham Pye	30. 00	495 00
Benjamin Pye, 4th		40 00
Benjamin Pye, sr		40 00
Benjamin Pye, 3d	20. 00	350 00
Garrett Thompson	30. 00	485 00
Ziba T. Peters	10. 00	215 00
Betsy T. Aaron	3. 00	85 00
Thomas Skenandoah	17. 00	349 50
Simon S. Metoxen	30. 00	535 00
Elizabeth Wilber	41. 62	711 87
Ezekiel Robinson	4. 00	60 00
J.W. Quinney	60. 00	1,315 00
School-house		150 00
		$14,504 85

M.L. Martin.
Albert G. Ellis.

Author's Introduction. In the early 1850s, the Chippewas were again under pressure to cede lands. Though the Chippewa of Lake Superior had ceded all their Wisconsin lands in the 1837 and 1842 treaties, they still owned, in common with the Chippewa of the Mississippi, a large tract of land on the north shore of Lake Superior, along with extensive lands in the interior of Minnesota. Non-Indians particularly desired the iron-rich lands in northern Minnesota, but the Chippewas had learned much from their earlier treaty negotiations. They refused to cede any more land until they received permanent reservations in Wisconsin.

The Chippewas secured four reservations in Wisconsin in the 1854 treaty negotiations, and the Bad River, Red Cliff, Lac Courte Oreilles, and Lac du Flambeau reservations were set aside in the state. (The other two present-day Chippewa reservations, St. Croix and Mole Lake, were not established until the 1930s.)

Treaty between the United States and the Chippewa Indians of Lake Superior and the Mississippi (1854)

Commentary

Treaty Commissioner Henry Gilbert expressed his knowledge of the needs and demands of the Chippewa tribe at the time this treaty was negotiated. (In Satz, 1991, p. 78)

> . . . We found that the points most strenuously insisted upon by them were first the privilege of remaining in the country where they reside and next the appropriation of land for their future homes. Without yielding these points, it was idle for us to talk about a treaty. We therefore agreed to the selection of lands for them in territory heretofore ceded.

Complete Written Document

Sept. 30, 1854.

10 Stats., 1109.
Ratified Jan. 10, 1855.
Proclaimed Jan. 29, 1855.

Articles of a treaty made and concluded at La Pointe, in the State of Wisconsin, between Henry C. Gilbert and David B. Herriman, commissioners on the part of the United States, and the Chippewa Indians of Lake Superior and the Mississippi, by their chiefs and head-men.

Cession to the United States by the Chippewa of Lake Superior.

ARTICLE 1. The Chippewas of Lake Superior hereby cede to the United States all the lands heretofore owned by them in common with the Chippewas of the Mississippi, lying east of the following boundary-line, to wit: Beginning at a point, where the east branch of Snake River crosses the southern boundary-line of the Chippewa country, running thence up the said branch to its source, thence nearly north, in a straight line, to the mouth of East Savannah River, thence up the St. Louis River to the mouth of East Swan River, thence up the East Swan River to its source, thence in a straight line to the most westerly bend of Vermillion River, and thence down the Vermillion River to its mouth.

Relinquishment to Chippewa of Mississippi by Chippewa of Lake Superior.

The Chippewas of the Mississippi hereby assent and agree to the foregoing cession, and consent that the whole amount of the consideration money for the country ceded above, shall be paid to the Chippewas of Lake Superior, and in consideration thereof the Chippewas of Lake Superior hereby relinquish to the Chippewas of the Mississippi, all their interest in and claim to the lands heretofore owned by them in common, lying west of the above boundry-line.

Reservation for Chippewa of Lake Superior.

ARTICLE 2. The United States agree to set apart and withhold from sale, for the use of the Chippewas of Lake Superior, the following-described tracts of land, viz:

1st. For the L'Anse and Vieux De Sert bands, all the unsold lands in the following townships in the State of Michigan: Township fifty-one north range thirty-three west; township fifty-one north range thirty-two west; the east half of township fifty north range thirty-three west; the west half of township fifty north range thirty-two west, and all of township fifty-one north range thirty-one west, lying west of Huron Bay.

2d. For the La Pointe band, and such other Indians as may see fit to settle with them, a tract of land bounded as follows: Beginning on the south shore of Lake Superior, a few miles west of Montreal River, at the mouth of a creek called by the Indians Ke-che-se-be-we-she, running thence south to a line drawn east and west through the centre of township forty-seven north, thence west to the west line of said township, thence south to the southeast corner of township forty-six north, range thirty-two west, thence west the width of two townships, thence north the width of two townships, thence west one mile, thence north to the lake shore, and thence along the lake shore, crossing Shag-waw-me-quon Point, to the place of beginning. Also two hundred acres on the northern extremity of Madeline Island, for a fishing ground.

3d. For the other Wisconsin bands, a tract of land lying about Lac De Flambeau, and another tract on Lac Court Orielles, each equal in extent to three townships, the boundaries of which shall be hereafter agreed upon or fixed under the direction of the President.

4th. For the Fond Du Lac bands, a tract of land bounded as follows: Beginning at an island in the St. Louis River, above Knife Portage, called by the Indians Paw-paw-sco-me-me-tig, running thence west to the boundary-line heretofore described, thence north along said boundary-line to the mouth of Savannah River, thence down the St. Louis River to the place of beginning. And if said tract shall contain less than one hundred thousand acres, a strip of land shall be added on the south side thereof, large enough to equal such deficiency.

5th. For the Grand Portage band, a tract of land bounded as follows: Beginning at a rock a little east of the eastern extremity of Grand Portage Bay, running thence along the lake shore to the mouth of a small stream called by the Indians Maw-ske-gwaw-caw-maw-se-be, or Cranberry Marsh River, thence up said stream, across the point to Pigeon River, thence down Pigeon River to a point opposite the starting-point, and thence across to the place of beginning.

6th. The Ontonagon band and that subdivision of the La Pointe band of which Buffalo is chief, may each select, on or near the lake shore, four sections of land, under the direction of the President, the boundaries of which shall be defined hereafter. And being desirous to provide for some of his connections who have rendered his people important services, it is agreed that the chief Buffalo may select one section of land, at such place in the ceded territory as he may see fit, which shall be reserved for that purpose, and conveyed by the United States to such person or persons as he may direct.

7th. Each head of a family, or single person over twenty-one years of age at the present time of the mixed bloods, belonging to the Chippewas of Lake Superior, shall be entitled to eighty acres of land, to be selected by them under the direction of the President, and which shall be secured to them by patent in the usual form.

Survey and patents of reservation.

ARTICLE 3. The United States will define the boundaries of the reserved tracts, whenever it may be necessary, by actual survey, and the President may, from time to time, at his discretion, cause the whole to be surveyed, and may assign to each head of a family or single person over twenty-one years of age, eighty acres of land for his or their separate use; and he may, at his discretion, as fast as the occupants become capable of transacting their own affairs, issue patents therefor to such occupants, with such restrictions of the power of alienation as he may see fit to impose. And he may also, at his discretion, make rules and regulations, respecting the disposition of the lands in case of the death of the head of a family, or single person occupying the same, or in case of its abandonment by them. And he may also assign other lands in exchange for mineral lands, if any such are found in the tracts herein set apart. And he may also make such changes in the boundaries of such reserved tracts or otherwise as shall be necessary to prevent interference with any vested rights. All necessary roads, highways, and railroads, the lines of which may run through any of the reserved tracts, shall have the right of way through the same, compensation being made therefor as in other cases.

Payments for said cession.

ARTICLE 4. In consideration of and payment for the country hereby ceded, the United States agree to pay to the Chippewas of Lake Superior, annually, for the term of twenty years, the following sums, to wit: five thousand dollars in coin; eight thousand dollars in goods, household furniture and cooking utensils; three thousand dollars in agricultural implements and cattle, carpenter's and other tools and building materials, and three thousand dollars for moral and educational purposes, of which last sum, three hundred dollars per annum shall be paid to the Grand Portage band, to enable them to maintain a school at their village. The United States will also pay the further sum of ninety thousand dollars, as the chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of six thousand dollars, in agricultural implements, household furniture, and cooking utensils, to be distributed at the next annuity payment, among the mixed bloods of said nation. The United States will also furnish two hundred guns, one hundred rifles, five hundred beaver-traps, three hundred dollars' worth of ammunition, and one thousand dollars' worth of ready-made clothing, to be distributed among the young men of the nation, at the next annuity payment.

Blacksmiths and assistants.

ARTICLE 5. The United States will also furnish a blacksmith and assistant, with the usual amount of stock, during the continuance of the annuity payments, and as much longer as the President may think proper, at each of the points herein set apart for the residence of the Indians, the same to be in lieu of all the employees to which the Chippewas of Lake Superior may be entitled under previous existing treaties.

Annuities not to be withheld for debt, but may be for depredations.

ARTICLE 6. The annuities of the Indians shall not be taken to pay the debts of individuals, but satisfaction for depredations committed by them shall be made by them in such manner as the President may direct.

Spirituous liquors.

ARTICLE 7. No spirituous liquors shall be made, sold, or used on any of the lands herein set apart for the residence of the Indians, and the sale of the same shall be prohibited in the Territory hereby ceded, until otherwise ordered by the President.

Division between Chippewa of Mississippi and of Lake Superior of benefits of former treaties.

ARTICLE 8. It is agreed, between the Chippewas of Lake Superior and the Chippewas of the Mississippi, that the former shall be entitled to two-thirds, and the latter to one-third, of all benefits to be derived from former treaties existing prior to the year 1847.

Arrearages.

ARTICLE 9. The United States agree that an examination shall be made, and all sums that may be found equitably due to the Indians, for arrearages of annuity or other thing, under the provisions of former treaties, shall be paid as the chiefs may direct.

Preemption.

ARTICLE 10. All missionaries, and teachers, and other persons of full age, residing in the territory hereby ceded, or upon any of the reservations hereby made by authority of law, shall be allowed to enter the land occupied by them at the minimum price whenever the surveys shall be completed to the amount of one quarter-section each.

Annuities, how paid.

ARTICLE 11. All annuity payments to the Chippewas of Lake Superior, shall hereafter be made at L'Anse, La Pointe, Grand Portage, and on the St. Louis River; and the Indians shall not be required to remove from the homes hereby set apart for them. And such of them as reside in the territory hereby ceded, shall have the right to hunt and fish therein, until otherwise ordered by the President.

Stipulations for Bois Forte Indians.

ARTICLE 12. In consideration of the poverty of the Bois Forte Indians who are parties to this treaty, they having never received any annuity payments, and of the great extent of that part of the ceded country owned exclusively by them, the following additional stipulations are made for their benefit. The United States will pay the sum of ten thousand dollars, as their chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of ten thousand dollars, in five equal annual payments, in blankets, cloth, nets, guns, ammunition, and such other articles of necessity as they may require.

They shall have the right to select their reservation at any time hereafter, under the direction of the President; and the same may be equal in extent, in proportion to their numbers, to those allowed the other bands, and be subject to the same provisions.

They shall be allowed a blacksmith, and the usual smithshop supplies, and also two persons to instruct them in farming, whenever in the opinion of the President it shall be proper, and for such length of time as he shall direct.

It is understood that all Indians who are parties to this treaty, except the Chippewas of the Mississippi, shall hereafter be known as the Chippewas of Lake Superior. *Provided*; That the stipulation by which the Chippewas of Lake Superior relinquishing their right to land west of the boundary-line shall not apply to the Bois Forte band who are parties to this treaty.

ARTICLE 13. This treaty shall be obligatory on the contracting parties, as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Henry C. Gilbert, and the said David B. Herriman, commissioners as aforesaid, and the undersigned chiefs and headmen of the Chippewas of Lake Superior and the Mississippi, have hereunto set their hands and seals, at the place aforesaid, this thirtieth day of September, one thousand eight hundred and fifty-four.

Henry C. Gilbert,
David B. Herriman,
Commissioners.

Richard M. Smith, Secretary.

La Pointe Band:
Ke-che-waish-ke, or the Buffalo, 1st chief, his x mark. [L.S.]
Chay-che-que-oh, 2d chief, his x mark. [L.S.]
A-daw-we-ge-zhick, or Each Side of the sky, 2d chief, his x mark. [L.S.]
O-ske-naw-way, or the Youth, 2d chief, his x mark. [L.S.]

Maw-caw-day-pe-nay-se, or the Black Bird, 2d chief, his x mark. [L.S.]
Naw-waw-naw-quot, headman, his x mark. [L.S.]
Ke-wain-zeence, headman, his x mark. [L.S.]
Waw-baw-ne-me-ke, or the White Thunder, 2d chief, his x mark. [L.S.]
Pay-baw-me-say, or the Soarer, 2d chief, his x mark. [L.S.]
Naw-waw-ge-waw-nose, or the Little Current, 2d chief, his x mark. [L.S.]
Maw-caw-day-waw-quot, or the Black Cloud, 2d chief, his x mark. [L.S.]
Me-she-naw-way, or the Disciple, 2d chief, his x mark. [L.S.]
Key-me-waw-naw-um, headman, his x mark. [L.S.]
She-gog headman, his x mark. [L.S.]

Ontonagon Band:

O-cun-de-cun, or the Buoy 1st chief, his x mark. [L.S.]
Waw-say-ge-zhick, or the Clear Sky, 2d chief, his x mark. [L.S.]
Keesh-ke-taw-wug, headman, his x mark. [L.S.]

L'Anse Band:

David King, 1st chief, his x mark. [L.S.]
John Southwind, headman, his x mark. [L.S.]
Peter Marksman, headman, his x mark. [L.S.]
Naw-taw-me-ge-zhick, or the First Sky, 2d chief, his x mark. [L.S.]
Aw-se-neece, headman, his x mark. [L.S.]

Vieux De Sert Band:

May-dway-aw-she, 1st chief, his x mark. [L.S.]
Posh-quay-gin, or the Leather, 2d chief, his x mark. [L.S.]

Grand Portage Band:

Shaw-gaw-naw-sheence, or the Little Englishman, 1st chief, his x mark. [L.S.]
May-mosh-caw-wosh, headman, his x mark. [L.S.]
Aw-de-konse, or the Little Reindeer, 2d chief, his x mark. [L.S.]
Way-we-ge-wam, headman, his x mark. [L.S.]

Fond Du Lac Band:

Shing-goope, or the Balsom, 1st chief, his x mark. [L.S.]
Mawn-go-sit, or the Loon's Foot, 2d chief, his x mark. [L.S.]
May-quaw-me-we-ge-zhick, headman, his x mark. [L.S.]
Keesh-kawk, headman, his x mark. [L.S.]
Caw-taw-waw-be-day, headman, his x mark. [L.S.]
O-saw-gee, headman, his x mark. [L.S.]
Ke-che-aw-ke-wain-ze, headman, his x mark. [L.S.]
Naw-gaw-nub, or the Foremost Sitter, 2d chief, his x mark. [L.S.]
Ain-ne-maw-sung, 2d chief, his x mark. [L.S.]
Naw-aw-bun-way, headman, his x mark. [L.S.]
Wain-ge-maw-tub, headman, his x mark. [L.S.]
Aw-ke-wain-zeence, headman, his x mark. [L.S.]
Shay-way-be-nay-se, headman, his x mark. [L.S.]
Paw-pe-oh, headman, his x mark. [L.S.]

Lac Court Oreille Band:

Aw-ke-wain-ze, or the Old Man, 1st chief, his x mark. [L.S.]
Key-no-zhance, or the Little Jack Fish, 1st chief, his x mark. [L.S.]
Key-che-pe-nay-se, or the Big Bird, 2d chief, his x mark. [L.S.]
Ke-che-waw-be-shay-she, or the Big Martin, 2d chief, his x mark. [L.S.]
Waw-be-shay-sheence, headman, his x mark. [L.S.]
Quay-quay-cub, headman, his x mark. [L.S.]
Shaw-waw-no-me-tay, headman, his x mark. [L.S.]
Nay-naw-ong-gay-be, or the Dressing Bird, 1st chief, his x mark. [L.S.]
O-zhaw-waw-sco-ge-zhick, or the Blue Sky, 2d chief, his x mark. [L.S.]
I-yaw-banse, or the Little Buck, 2d chief, his x mark. [L.S.]
Ke-che-e-nin-ne, headman, his x mark. [L.S.]
Haw-daw-gaw-me, headman, his x mark. [L.S.]
Way-me-te-go-she, headman, his x mark. [L.S.]
Pay-me-ge-wung, headman, his x mark. [L.S.]

Lac Du Flambeau Band:

Aw-mo-se, or the Wasp, 1st chief, his x mark. [L.S.]
Ke-nish-te-no, 2d chief, his x mark. [L.S.]
Me-gee-see, or the Eagle, 2d chief, his x mark. [L.S.]
Kay-kay-co-gwaw-nay-aw-she, headman, his x mark. [L.S.]
O-che-chog, headman, his x mark. [L.S.]
Nay-she-kay-gwaw-nay-be, headman, his x mark. [L.S.]
O-scaw-bay-wis, or the Waiter, 1st chief, his x mark. [L.S.]
Que-we-zance, or the White Fish, 2d chief, his x mark. [L.S.]
Ne-gig, or the Otter, 2d chief, his x mark. [L.S.]

Nay-waw-che-ge-ghick-may-be, headman, his x mark. [L.S.]

Quay-quay-ke-cah, headman, his x mark. [L.S.]

Bois Forte Band:

Kay-baish-caw-daw-way, or Clear Round the Prairie, 1st chief, his x mark. [L.S.]

Way-zaw-we-ge-zhick-way-sking, headman, his x mark. [L.S.]

O-saw-we-pe-nay-she, headman, his x mark. [L.S.]

The Mississippi Bands:

Que-we-san-se, or Hole in the Day, head chief, his x mark. [L.S.]

Caw-nawn-daw-waw-win-zo, or the Berry Hunter, 1st chief, his x mark. [L.S.]

Waw-bow-jieg, or the White Fisher, 2d chief, his x mark. [L.S.]

Ot-taw-waw, 2d chief, his x mark. [L.S.]

Que-we-zhan-cis, or the Bad Boy, 2d chief, his x mark. [L.S.]

Bye-a-jick, or the Lone Man, 2d chief, his x mark. [L.S.]

I-yaw-shaw-way-ge-zhick, or the Crossing Sky, 2d chief, his x mark. [L.S.]

Maw-caw-day, or the Bear's Heart, 2d chief, his x mark. [L.S.]

Ke-way-de-no-go-nay-be, or the Northern Feather, 2d chief, his x mark. [L.S.]

Me-squaw-dace, headman, his x mark. [L.S.]

Naw-gaw-ne-gaw-bo, headman, his x mark. [L.S.]

Wawm-be-de-yea, headman, his x mark. [L.S.]

Waish-key, headman, his x mark. [L.S.]

Caw-way-caw-me-ge-skung, headman, his x mark. [L.S.]

My-yaw-ge-way-we-dunk, or the One who carries the Voice, 2d chief, his x mark. [L.S.]

John F. Godfroy,
Geo. Johnston,
S. A. Marvin,
Louis Codot,
Paul H. Beaulieu,
Henry Blatchford,
Peter Floy,
Interpreters.

Executed in the presence of—

Henry M. Rice,
J.W. Lynde,
G.D. Williams,
B.H. Connor,
E.W. Muldough,
Richard Godfroy,
D.S. Cash,
H.H. McCullough,
E. Smith Lee,
Wm. E. Vantassel,
L.H. Wheeler.

Author's Introduction. To quell both Indian and non-Indian complaints about the 1848 treaty proviso to remove the Menominees west, the U.S. government once again called the Menominee tribe to the treaty table. The tribe was very reluctant to move to the Crow Wing River in Minnesota, and many local non-Indians supported the Menominees. These supporters sought to gain at least a portion of the annuities due to the tribe, and feared that they would lose this if the tribe was moved.

This 1854 treaty gave the Menominee 12 sections of land on the Wolf River, an area that the tribe had been using as a temporary reserve while they fought removal west. The treaty allowed money for a miller, blacksmith, and a school teacher. It also gave the tribe a significant annuity of $242,686, to be paid in 15 annual installments starting in 1867.

In return the tribe ceded the land that they had been granted in Minnesota by the Treaty of 1848. Since the tribe did not want those lands in the first place, this treaty appeared favorable to the Menominees, who wanted to remain in Wisconsin.

Treaty between the United States and the Menominee Tribe (1854)

Oratory

In a letter dated June 27, 1854, Menominee Chiefs expressed their strong, positive reaction to the proposed negotiations of Superintendent F. Huebschmann. This excerpt reflects those feelings: (*Letters Received, Office of Indian Affairs, 1853-1855*)

> . . . When he [Superintendent Huebschmann] proposed to us how he would treat with us, we made it known to our young men; they were pleased in having a home which they might call their own, and go to work and improve their lands with the satisfaction that they would reap the benefits thereof. We thank our Great Father for what the Supt. has said and done for us. We hope he will take us by the right hand and press it close to his heart . . . .

Complete Written Document

May 12, 1854.

10 Stats., p. 1064.
Proclamation Aug. 2, 1854.

Articles of agreement made and concluded at the Falls of Wolf River, in the State of Wisconsin, on the twelfth day of May, one thousand eight hundred and fifty-four, between the United States of America, by Francis Huebschmann, superintendent of Indian affairs, duly authorized thereto, and the Menomonee tribe of Indians, by the chiefs, headmen, and warriors of said tribe—such articles being supplementary and amendatory to the treaty made between the United States and said tribe on the eighteenth day of October, one thousand eight hundred and forty-eight.

Preamble

Whereas, among other provisions contained in the treaty in the caption mentioned, it is stipulated that for and in consideration of all the lands owned by the Menomonees, in the State of Wisconsin, wherever situated, the United States should give them all that country or tract of land ceded by the Chippewa Indians of the Mississippi and Lake Superior, in the treaty of the second of August, eighteen hundred and forty-seven, and by the Pillager band of Chippewa Indians in the treaty of the twenty-first of August, eighteen hundred and forty-seven, which had not been assigned to the Winnebagoes, guarantied not to contain less than six hundred thousand acres; should pay them forty thousand dollars for removing and subsisting themselves; should give them fifteen thousand dollars for the establishment of a manual-labor school, the erection of a grist and saw mill, and for other necessary improvements in their new country; should cause to be laid out and expended in the hire of a miller, for the period of fifteen years, nine thousand dollars; and for continuing and keeping up a blacksmith shop and providing iron and steel for twelve years, commencing on the first of January, eighteen hundred and fifty-seven, eleven thousand dollars.

And whereas, upon manifestation of great unwillingness on the part of said Indians to remove to the country west of the Mississippi River, upon Crow Wing, which had been assigned them, and a desire to remain in the State of Wisconsin, the President consented to their locating temporarily upon the Wolf and Oconto Rivers.

Now, therefore, to render practicable the stipulated payments herein recited, and to make exchange of the lands given west of the Mississippi for those desired by the tribe, and for the purpose of giving them the same for a permanent home, these articles are entered into.

Cession to United States.

ARTICLE 1. The said Menomonee tribe agree to cede, and do hereby cede, sell, and relinquish to the United States, all the lands assigned to them under the treaty of the eighteenth of October, eighteen hundred and forty-eight.

Home provided in lieu of such cession.

ARTICLE 2. In consideration of the foregoing cession the United States agree to give, and do hereby give, to said Indians for a home, to be held as Indian lands are held, that tract of country lying upon the Wolf River, in the State of Wisconsin, commencing at the southeast corner of township 28 north of range 16 east of the fourth principal meridian, running west twenty-four miles, thence north eighteen miles, thence east twenty-four miles, thence south eighteen miles, to the place of beginning—the same being townships 28, 29, and 30, of ranges 13, 14, 15, and 16, according to the public surveys.

Payments.

ARTICLE 3. The United States agree to pay, to be laid out and applied under the direction of the President, at the said location, in the establishment of a manual-labor school, the erection of a grist and saw mill, and other necessary improvements, fifteen thousand dollars; in procuring a suitable person to attend and carry on the said grist and saw mill, for a period of fifteen years, nine thousand dollars, in continuing and keeping up a blacksmith shop, and providing the usual quantity of iron and steel for the use of said tribe, for a period of twelve years, commencing with the year eighteen hundred and fifty-seven, eleven thousand dollars; and the United States further agree to pay the said tribe, to be applied under the direction of the President, in such manner and at such times as he may deem advisable, for such purposes and uses as in his judgment will best promote the improvement of the Menomonees, the forty thousand dollars stipulated to be applied to their removal and subsistence west of the Mississippi. It being understood that all other beneficial stipulations in said treaty of 1848 are to be fulfilled as therein provided.

Further payments.

ARTICLE 4. In consideration of the difference in extent between the lands hereby ceded to the United States, and the lands given in exchange, and for and in consideration of the provisions hereinbefore recited, and of the relinquishment by said tribe of all claims set up by or for them, for the difference in quantity of lands supposed by them to have been ceded in the treaty of eighteenth of October, eighteen hundred and forty-eight, and what was actually ceded, the United States agree to pay said tribe the sum of two hundred and forty-two thousand six hundred and eighty-six dollars, in fifteen annual instalments, commencing with the year 1867; each instalment to be paid out and expended under the direction of the President of the

United States, and for such objects, uses, and purposes, as he shall judge necessary and proper for their wants, improvement, and civilization.

Expenses of this treaty.

ARTICLE 5. It is further agreed that all expense incurred in negotiating this treaty shall be paid by the United States.

ARTICLE 6. This treaty to be binding on the contracting parties as soon as it is ratified by the President and Senate of the United States, and assented to by Osh-kosh and Ke-she-nah, chiefs of said tribe.

In testimony whereof, the said Francis Huebschmann, superintendent as aforesaid, and the chiefs, headmen, and warriors of the said Menomonee tribe, have hereunto set their hands and seals, at the place and on the day and year aforesaid.

Francis Huebschmann, [L.S.]
Superintendent of Indian affairs.

Wau-ke-chon, his x mark. [L.S.]
Wis-ke-no, his x mark. [L.S.]
Way-tan-sah, his x mark. [L.S.]
Carron, his x mark. [L.S.]
Sho-ne-niew, his x mark. [L.S.]
Lamotte, his x mark. [L.S.]
Pe-quo-quon-ah, his x mark. [L.S.]
Shaw-poa-tuk, his x mark. [L.S.]
Wau-pen-na-nosh, his x mark. [L.S.]
Sho-ne-on, his x mark. [L.S.]
Shaw-wan-na-penasse, his x mark. [L.S.]
Ta-ko, his x mark. [L.S.]
Ko-man-ne-kin-no-shah, his x mark. [L.S.]
Wau-pa-mah-shaew, his x mark. [L.S.]
Auck-ka-na-pa-waew, his x mark. [L.S.]
Ah-way-sha-shah, his x mark. [L.S.]
Chech-e-quon-o-way, his x mark. [L.S.]
Nah-pone, his x mark. [L.S.]
Mo-sha-hat, his x mark. [L.S.]
I-yaw-shiew, his x mark. [L.S.]
Kah way-sot, his x mark. [L.S.]

Signed and sealed in the presence of us:

John V. Suydam, sub-agent,
Chas. A. Grignon, United States interpreter,
H.W. Jones, secretary to the commissioner,
Chas. H. White, deputy United States marshal,
Heman M. Cady, United States timber agent,
William Powell,
John Wiley,
H.L. Murray.

Treaty 28

Author's Introduction. The purpose of this treaty was to answer the numerous complaints that the Stockbridge and Munsee Indians had regarding their removal from Wisconsin. They strongly objected to being relocated in Minnesota and simply refused to move. In this treaty, the U.S. government agreed to find them land in Wisconsin that was suitable to their needs. Soon after this treaty, the Menominee tribe sold part of their lands for the purpose of relocating the Stockbridge-Munsees in Wisconsin.

The Stockbridge-Munsees gave up any claim to whatever lands remained in their possession as well as the 72 sections of land reserved for them in Minnesota. They also relinquished most of the payments negotiated in earlier treaties.

These Indians agreed in the treaty to the almost immediate allotment of whatever lands they were to receive in Wisconsin. The treaty clearly spelled out rules for this allotment: Each head of the household and each single male over 18 received 80 acres; single women and children each received 40 acres. Such detailed rules for allotment, some 30 years before the Dawes Act of 1887, foreshadowed future policy. Non-Indians soon either required allotment or at least praised it highly as an option for most other Wisconsin tribes.

Treaty between the United States and the Stockbridge and Munsee Tribes (1856)

Commentary

In the following excerpt of a letter from Superintendent Huebschmann to Commissioner Manypenny, in which Huebschmann transmits Stockbridge-Munsee power of attorney, he also shares his observations on the political mechanics of the tribe. (*Documents Relating to . . . 1801-1869*, Roll 4)

> . . . . about one fifth of the Indians, headed by Austin E. Quinney, . . . did not sign the treaty . . . . The only two objections raised . . . were; first, that the issuing of patents to lands to be apportioned to the individuals of the tribe was contemplated . . . . His second objection was, that there was no provision made for the payment of a claim he himself has against the tribe . . . .
>
> The real objection on the part of the Quinneys to the reorganization of the Stockbridges and Munsees under this treaty, is no doubt, the certainty staring them in the face, that their rule over the tribe will be at an end, if the treaty is ratified . . . .

Complete Written Document

Feb. 5, 1856.

11 Stat., 663.
Ratified Apr. 18, 1856.
Proclaimed Sept. 8, 1856.
Ante, p. 325.

Whereas by Senate amendment to the treaty with the Menomonees of February [*twenty*] eighth, one thousand eight hundred and thirty-one, two townships of land on the east side of Winnebago Lake, Territory of Wisconsin, were set aside for the use of the Stockbridge and Munsee tribes of Indians, all formerly of the State of New York, but a part of whom had already removed to Wisconsin; and

Whereas said Indians took possession of said lands, but dissensions existing among them led to the treaty of September third, one thousand eight hundred and thirty-nine, by which the east half of said two townships was retroceded to the United States, and in conformity to which a part of said Stockbridges and Munsees emigrated west of the Mississippi; and

1843, ch. 101, 5 Stat. 645.

Whereas to relieve them from dissensions still existing by "An act for the relief of the Stockbridge tribe of Indians in the Territory of Wisconsin," approved March third, one thousand eight hundred and forty-three, it was provided, that the remaining townships of land should be divided into lots and allotted between the individual members of said tribe; and

1846, ch. [illegible],
9 Stat. 55.

Whereas a part of said tribe refused to be governed by the provisions of said act, and a subsequent act was passed on the sixth day of August, one thousand eight hundred and forty-six, repealing the aforementioned act, but without making provision for bona fide purchasers of lots in the townships subdivided in conformity to the said first-named act; and

Whereas it was found impracticable to carry into effect the provisions of the last-mentioned act, and to remedy all difficulties, a treaty was entered into on the twenty-fourth of November, one thousand eight hundred and forty-eight, wherein among other provisions, the tribe obligated itself to remove to the country west of the Mississippi set apart for them by the amendment to said treaty; and

Whereas dissensions have yet been constantly existing amongst them, and many of the tribe refused to remove, when they were offered a location in Minnesota, and applied for a retrocession to them of the township of Stockbridge, which has been refused by the United States; and

Whereas a majority of the said tribe of Stockbridges and the Munsees are averse to removing to Minnesota and prefer a new location in Wisconsin, and are desirous soon to remove and to resume agricultural pursuits, and gradually to prepare for citizenship, and a number of other members of the said tribe desire at the present time to sever their tribal relations and to receive patents for the lots of land at Stockbridge now occupied by them; and

Whereas the United States are willing to exercise the same liberal policy as heretofore, and for the purpose of relieving these Indians from the complicated difficulties, by which they are surrounded, and to establish comfortably together all such Stockbridges and Munsees—wherever they may be now located, in Wisconsin, in the State of New York, or west of the Mississippi—as were included in the treaty of September third, one thousand eight hundred and thirty-nine, and desire to remain for the present under the paternal care of the United States Government; and for the purpose of enabling such individuals of said tribes as are now qualified and desirous to manage their own affairs, to exercise the rights and to perform the duties of the citizen, these articles of agreement have been entered into:

Articles of agreement and convention made and concluded at Stockbridge in the State of Wisconsin, on the fifth day of February, in the year of our Lord one thousand eight hundred and fifty-six, between Francis Huebschmann, commissioner on the part of the United States, and the Stockbridge and Munsee tribes of Indians assembled in general council, and such of the Munsees who were included in the treaty of September third, one thousand eight hundred and thirty-nine, but are yet residing in the State of New York, by their duly authorized delegates, William Mohawk and Joshua Willson.

Cession of lands at Stockbridge, Wis., and in Minnesota.

ARTICLE 1. The Stockbridge and Munsee tribes, who were included in the treaty of September third, one thousand eight hundred and thirty-nine, and all the individual members of said tribes, hereby jointly and severally cede and relinquish to the United States all their remaining right and title in the lands at the town of Stockbridge, State of Wisconsin, the seventy-two sections of land in Minnesota set aside for them by the amendment to the treaty of November twenty-fourth, one thousand eight hundred and forty-eight, the twenty thousand dollars stipulated to be paid to them by the said amendment, the sixteen thousand five hundred dollars invested by the

Relinquishment of certain payments and claims.

United States in stocks for the benefit of the Stockbridge tribe in conformity to Article 9 of the said treaty, and all claims set up by and for the Stockbridge and Munsee tribes, or by and for the Munsees separately, or by and for any individuals of the Stockbridge tribe who claim to have been deprived of annuities since the year one thousand eight hundred and forty-three, and all such and other claims set up by or for them or any of them are hereby abrogated, and the United States released and discharged therefrom.

Another tract to be selected [illegible] and practicable.

ARTICLE 2. In consideration of such cession and relinquishment by said Stockbridges and Munsees, the United States agree to select as soon as practicable and to give them a tract of land in the State of Wisconsin, near the southern boundary of the Menomonee reservation, of sufficient extent to provide for each head of a family and others lots of land of eighty and forty acres, as hereinafter provided; every such lot to contain at least one-half of arable land, and to pay to be expended for improvements for the said Stockbridges and Munsees as provided in article 4, the sum of forty-one thousand one hundred dollars, and a further sum of twenty thousand five hundred and fifty dollars to enable them to remove, and the further sum of eighteen thousand dollars, (twelve thousand for the Stockbridges and six thousand for the Munsees,) to be expended, at such time, and in such manner, as may be prescribed by the Secretary of the Interior, in the purchase of stock and necessaries, the discharge of national or tribal debts, and to enable them to settle their affairs.

Survey of such tract and allotment thereof.

ARTICLE 3. As soon as practicable after the selection of the lands set aside for these Indians by the preceding article, the United States shall cause the same to be surveyed into sections, half and quarter sections, to correspond with the public surveys, and the council of the Stockbridges and Munsees shall under the direction of the superintendent of Indian affairs for the northern superintendency, make a fair and just allotment among the individuals and families of their tribes. Each head of a family shall be entitled to eighty acres of land, and in case his or her family consists of more than four members, if thought expedient by the said council, eighty acres more may be allotted to him or her; each single male person above eighteen years of age shall be entitled to eighty acres; and each female person above eighteen years of age, not belonging to any family, and each orphan child, to forty acres; and sufficient land shall be reserved for the rising generation.

Immediate possession given after allotment.

Certificates not assignable to issue.

After the said allotment is made, the persons entitled to land may take immediate possession thereof, and the United States will thenceforth and until the issuing of the patents, as hereinafter provided, hold the same in trust for such persons, and certificates shall be issued, in a suitable form, guaranteeing and securing to the holders their possession and an ultimate title to the land; but such certificates shall not be assignable, and shall contain a clause expressly prohibiting the sale or transfer by the holder of the land described therein. After the expiration of ten years upon the application of the holder of such certificate, made with the consent of the said Stockbridge and Munsee council, and when it shall appear prudent and for his or her welfare, the President of the United States may direct, that such restriction on the power of sale shall be withdrawn and a patent issued in the usual form.

Provision in case of death of person entitled.

Should any of the heads of families die before the issuing of the certificates or patents herein provided for, the same shall issue to their heirs; and if the holder of any such certificate shall die without heirs, his or her land shall not revert to the United States, unless on petition of the Stockbridge and Munsee council for the issuing of a new certificate for the land of such deceased person, to the holder of any other certificate for land, and on the surrendering to the United States of such other certificate, by the holder thereof, the President shall direct the issuing of a new certificate for such land; and in like manner new certificates, may be given for lots of land, the prior certificates for which have been surrendered by the holders thereof.

How moneys are to be expended.

ARTICLE 4. Of the monies set aside for improvements by the second of these articles, not exceeding one-fourth shall be applied to the building of roads leading to, and through said lands: to the erection of a school-house, and such other improvements of a public character, as will be deemed necessary by the said Stockbridge and Munsee council, and approved by the superintendent of the northern superintendency. The residue of the said fund shall be expended for improvements to be made by and for the different members and families composing the said tribes, according to a system to be adopted by the said council, under the direction of the superintendent aforesaid, and to be first approved by the Commissioner of Indian Affairs.

Who are entitled to lot.

ARTICLE 5. The persons to be included in the apportionment of the land and money to be divided and expended under the provisions of this agreement, shall be such only, as are actual members of the said Stockbridge and Munsee tribes, (a roll or census of whom shall be taken and appended to this agreement,) their heirs, and legal representatives; and hereafter, the adoption of any individual amongst them shall be null and void, except it be first approved by the Commissioner of Indian Affairs.

Emigrated Indians may be located on said tract.

ARTICLE 6. In case the United States desire to locate on the tract of land to be selected as herein provided, the Stockbridges and Munsees emigrated to the west of the Mississippi in conformity to the treaty of September third, one thousand eight hundred and thirty-nine, the Stockbridges and Munsees, parties to this treaty, agree to receive them as brethren: *Provided*, That none of the said Stockbridges and Munsees, whether now residing at Stockbridge, in the State of Wisconsin, in the State of New York, or west of the Mississippi, shall be entitled to any of these lands or the money stipulated to be expended by these articles, unless they remove to the new location within two years from the ratification hereof.

Payments for educational purposes.

Ante pp. 34 and 281.

ARTICLE 7. The said Stockbridges and Munsees hereby set aside, for educational purposes exclusively, their portion of the annuities under the treaties of November the eleventh, one thousand seven hundred and ninety-four; August eleventh, one thousand eight hundred and twenty-seven; and September third, one thousand eight hundred and thirty-nine.

Schoolhouse.

ARTICLE 8. One hundred and fifty dollars valuation of the schoolhouse at Stockbridge made in conformity to article 6 of the treaty of November twenty-fourth, one thousand eight hundred and forty-eight, and remaining unpaid, shall be expended in the erection of a schoolhouse, with the other funds set aside for the same purpose by article 4 of this agreement.

Grounds for a cemetery.

ARTICLE 9. About seven and two-fifths acres bounded as follows: Beginning at the northeast corner of lot eighty-nine, in the centre of the military road; thence west, along the north line of said lot, fifty-four and a quarter rods; thence south, thirty-eight and a quarter rods; thence east twenty-eight and a quarter rods; thence north thirty four and a quarter rods, thence east twenty-six rods; thence north, four rods, to the place of beginning, comprising the ground heretofore used by the Stockbridges to bury their dead, shall be patented to the supervisors of the town of Stockbridge, to be held by them and their successors in trust for the inhabitants of said town, to be used by them as a cemetery, and the proceeds from cemetery lots and burial-places to be applied in fencing, clearing, and embellishing the grounds.

Right of way of roads.

ARTICLE 10. It is agreed that all roads and highways laid out by authority of law shall have right of way through the lands set aside for said Indians, on the same terms as are provided by law for their location through lands of citizens of the United States.

President and Senate of Congress may regulate affairs.

ARTICLE 11. The object of this instrument being to advance the welfare and improvement of said Indians, it is agreed, if it prove insufficient from causes which cannot now be foreseen, to effect these ends, that the President of the United States may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs, as in his judgment may be most beneficial to them; or Congress may, hereafter, make such provision by law, as experience shall prove to be necessary.

Provision against ardent spirits.

ARTICLE 12. The said Stockbridges and Munsees agree to suppress the use of ardent spirits among their people and to resist by all prudent means, its introduction in their settlements.

Sales of allotment under act of 1843, ch. 101, may be examined into, set aside, or confirmed.
5 Stat., 645.

ARTICLE 13. The Secretary of the Interior, if deemed by him expedient and proper, may examine into the sales made by the Stockbridge Indians, to whom lots of land were allotted in conformity to the acts of Congress, entitled "An act for the relief of the Stockbridge tribe of Indians in the Territory of Wisconsin," approved March third, one thousand eight hundred and forty-three; and if it shall be found that any of the said sales have been improperly made, or that a proper consideration has not been paid, the same may be disapproved or set aside. By the direction of the said Secretary, patents to such lots of land shall be issued to such persons as shall be found to be entitled to the same.

Sales of sundry lots.

ARTICLE 14. The lots of land the equitable title to which shall be found not to have passed by valid sales from the Stockbridge Indians to purchasers, and such lots as have, by the treaty of November twenty-fourth, one thousand eight hundred and forty-eight, been receded to the United States, shall be sold at the minimum price of ten dollars per acre for lots fronting on Lake Winnebago, on both sides of the military road, and all the lands in the three tiers of lots next to Lake Winnebago, and at five dollars per acre for the residue of the lands in said township of Stockbridge. Purchasers of lots, on which improvements were made by Stockbridge Indians shall pay, in addition to the said minimum price, the appraised value of such improvements. To actual settlers on any of said lots possessing the qualifications requisite to acquire pre-emption rights, or being civilized persons of Indian descent, not members of any tribe, who shall prove, to the satisfaction of the register of the land district to which the township of Stockbridge shall be attached, that he or she has made improvements to the value of not less than fifty dollars on such lot, and that he or she is actually residing on it; the time of paying the purchase-price may be extended for a term not exceeding three years from the ratification hereof, as shall be deemed advisable by the President of the United States, provided, that no such actual settler shall be permitted to pre-empt, in the manner aforesaid, more than one lot, or two contiguous lots, on which he has proved to have made improvements exceeding the value of one hundred dollars. The residue of said lots shall be brought into market as other Government lands are offered for sale, and shall not be sold at a less price than the said minimum price; and all said sales shall be made, and the patents provided for in these articles shall be issued in accordance with the survey made in conformity to said act of March third, one thousand eight hundred and forty-three, unless, in the opinion of the Secretary of the Interior, a new survey shall be deemed necessary and proper.

Appraised value of improvements on the ceded land to be paid.

ARTICLE 15. The United States agree to pay, within one year after the ratification of this agreement, the appraised value of the improvements upon the lands herein ceded and relinquished to the United States, to the individuals claiming the same, the valuation of such improvements, to be made by a person to be selected by the superintendent of Indian affairs for the northern superintendency, and not to exceed, in the aggregate, the sum of five thousand dollars.

Certain persons to have patents in [illegible] certain lots in [illegible] all claims.

ARTICLE 16. The hereinafter named Stockbridge Indians, having become sufficiently advanced in civilization, and being desirous of separating from the Stockbridge tribe, and of enjoying the privileges granted to persons of Indian descent by the State of Wisconsin, and in consideration of ceding and relinquishing to the United States all their rights in the lands and annuities of the Stockbridge tribe of Indians, and in the annuities, money, or land, to which said Indians now are or may hereafter be entitled, the United States agree to issue patents in fee-simple to the said Stockbridge Indians to the lots of land, at the town of Stockbridge, described and set opposite their names.

Names of persons.	Lots to be patented to them.	Lots, the privilege of entering which on the same terms of payment as prescribed for actual settlers in article 14 is granted.
John Moore	9, 38, and 105	226 and 187
Job Moore	69, 176 and 191	280
Sopha Moore	177	
Caleb Moore	223	
Elizabeth Moore	234	
Henry Moore	264	233
Daniel Davids' heirs	47, N. half 48, 60	
John Littleman's heirs	113	
Jane Dean's heirs	30	
A. Miller's heirs	14	
Mary McAllister	N. half 280	S. half 280
Hope Welch	284	
Catharine Mills	S. half 194	N. half 194
Nancy Hom	N. half 270	S. half 270
Margaret Beaulieu	N. half 238	S. half 238
Sally Shenandoah	76	
Jacob Moore	233	190
Martha Moore, wife of Jacob Moore	253	
Betsy Manague	N. half 349	S. half 349
Levy Konkapot	61, 152	
Mary Hendrick	78	
John W. Abrams	59	

The said Mary Hendrick, and Levy Konkapot, John W. Abrams to have the privilege of joining again the said Stockbridges and Munsees in their new location.

Inconsistent treaties annulled.

ARTICLE 17. So much of the treaties of September third, one thousand eight hundred and thirty-nine, and of November twenty-fourth, one thousand eight hundred and forty-eight, as is in contravention or in conflict with the stipulations of this agreement, is hereby abrogated and annulled.

ARTICLE 18. This instrument shall be binding upon the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said Francis Huebschmann, commissioner as aforesaid, and the chiefs, headmen, and members of the said Stockbridge and Munsee tribes, and the said delegates of the Munsees of New York, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

Francis Huebschmann, [L.S.]
Commissioner on the part of the United States.

Ziba T. Peters, sachem, [L.S.]
John N. Chicks, [L.S.]
Jeremiah Slingerland, [L.S.]
John W. Abrams, [L.S.]
Levi Konkapot, [L.S.]
Counsellors
Joshua Willson, his x mark. [L.S.]
Delegate of Munsees of New York.
Thomas S. Branch, [L.S.]
Jacob Davids, his x mark. [L.S.]
John W. Quinney, jr. his x mark. [L.S.]
Timothy Jourden, his x mark. [L.S.]
John Yoccom, his x mark. [L.S.]
William Mohawk, his x mark. [L.S.]
Delegate of Munsees of New York.
George T. Bennett, [L.S.]
Jacob Konkapot, [L.S.]
Jessee Jourden, his x mark. [L.S.]
Jeremiah Bennett, his x mark. [L.S.]
Isaac Jacobs, his x mark. [L.S.]
Job Moore, his x mark. [L.S.]
Sophia Moore, her x mark. [L.S.]
Caleb Moore, his x mark. [L.S.]
Elizabeth Moore, her x mark. [L.S.]
Henry Moore, his x mark. [L.S.]
Elizabeth Boman, her x mark. [L.S.]
Humble Jourden, [L.S.]
Phebe Pye, her x mark. [L.S.]
Jacob Jacobs, [L.S.]
Aaron Konkapot, [L.S.]
Jeremiah Gardner, his x mark. [L.S.]
Andrew Wilber, his x mark. [L.S.]
Prudence Quinney, her x mark. [L.S.]
Bersheba Wright, [L.S.]
Alonzo Quinney, his x mark. [L.S.]
Rebecca Thompson, her x mark. [L.S.]
Dianah Davids, [L.S.]
Mary Ann Littleman, her x mark. [L.S.]
Peter Bennett, sr., his x mark. [L.S.]
Peter Bennett, jr., his x mark. [L.S.]
Daniel Gardner, [L.S.]
Bashiba Brown, her x mark. [L.S.]
Dennis T. Turkey, [L.S.]
Benjamin Pye, 3d, his x mark. [L.S.]
Abram Pye, sr., his x mark. [L.S.]
Abram Pye, jr., his x mark. [L.S.]
David Pye, his x mark. [L.S.]
Elizabeth Doxtator, her x mark. [L.S.]
Margaret Davids, her x mark. [L.S.]
Cornelius Aaron, his x mark. [L.S.]
Anna Turkey, her x mark. [L.S.]
Louisa Konkapot, her x mark. [L.S.]
Phebe Shicket, her x mark. [L.S.]
Elizabeth Aaron, her x mark. [L.S.]
Rebecca Aaron, her x mark. [L.S.]
Benjamin Pye, 4th, his x mark. [L.S.]

Paul Pye, his x mark. [L.S.]
Jackson Chicks, and 2 heirs of Josiah Chicks, [L.S.]
Electa W. Candy, sister of the late John W. Quinney, [L.S.]
Mary Jane Dean, [L.S.]
Daniel P. Dean, [L.S.]
John W. Dean, [L.S.]
heirs of Jane Dean.
James Joshua, his x mark. [L.S.]
Benjamin Pye, 2d, his x mark. [L.S.]
John Hendricks, [L.S.]
Eli Williams, his x mark. [L.S.]
Cornelius Anthony, [L.S.]
Lewis Hendrick, [L.S.]
Adam Davids, [L.S.]
Elias Konkapot, his x mark. [L.S.]
Jediehal Wilber, [L.S.]
William Gardner, [L.S.]
Stephen Gardner, [L.S.]
Simeon Gardner, his x mark. [L.S.]
Polly Bennett, her x mark. [L.S.]
Eleanor Charles, her x mark. [L.S.]
Mary Hendrick, her x mark. [L.S.]
Susan Hendrick, her x mark. [L.S.]
Joseph Doxtator, his x mark. [L.S.]
Joseph L. Chicks, [L.S.]
Solomon Davids, his x mark. [L.S.]
Cornelius Yoccom, his x mark. [L.S.]
Harriet Jourden, her x mark. [L.S.]
Peter D. Littleman, his x mark. [L.S.]
Lovina Pye, her x mark. [L.S.]
Charlotte Palmer, her x mark. [L.S.]
Ramona Miller, her x mark. [L.S.]
Hannah Turkey, her x mark. [L.S.]
Didema Miller, [L.S.]
Dr. Big Deer, his x mark. [L.S.]
Elizabeth Wilber, her x mark. [L.S.]
Darius Davids, his x mark. [L.S.]
Harvy Johnston, his x mark. [L.S.]
Mary Eliza Butler, her x mark. [L.S.]
Thomas Tousey, [L.S.]
Chester Tousey, [L.S.]
Daniel Tousey, [L.S.]
Sarah Tousey, her x mark. [L.S.]
Philena Pye, 1st, her x mark. [L.S.]
Lucinda Quinney, her x mark. [L.S.]
Sally Schanandoah, her x mark. [L.S.]
Mary McAllister, her x mark. [L.S.]
Hope Welch, her x mark. [L.S.]
Catharine Mills, her x mark. [L.S.]
Nancy Hom, her x mark. [L.S.]
Margaret Bolrew, her x mark. [L.S.]
Eliza Franks, her x mark. [L.S.]
Lucinda Gardner, her x mark. [L.S.]
Mary Jane Boman, her x mark. [L.S.]

Debby Baldwin, her x mark. [L.S.]
Edward Boman, his x mark. [L.S.]
Hannah Smith, her x mark. [L.S.]
Moses Smith, his x mark. [L.S.]
Betsy Manague, her x mark. [L.S.]
Dolly Doxtator, her x mark. [L.S.]
Aaron Smith, his x mark. [L.S.]
Polly Smith, her x mark. [L.S.]
Mary Thebeant, her x mark. [L.S.]
Jacob Moore, [L.S.]
Abigail Moore, [L.S.]
Clarissa Miller, her x mark. [L.S.]
Polly Konkapot, her x mark. [L.S.]
John Lewis, his x mark. [L.S.]
James Chicks, his x mark. [L.S.]

Signed and sealed in presence of—

Theodore Koven, Secretary to Commissioner.
Saml. W. Beall,
Adam Scherff,
James Christie,
Lemuel Goodell,
Enos McKenzie,
Elam C. Pease.

Roll and census made in conformity to Article 5 of the foregoing treaty.

Names.—Census of the Munsees of New York, included in the treaty of September 3, 1839.	Men.	Women.	Children.	Total.
Isaac Durkee	1	1	2	4
William Mohawk	1	1	2	4
Titus Mohawk	--	--	1	1
Thomas Snake's widow	--	1	1	2
Austin Half White	--	--	1	1
Clarissa Spragg	--	1	7	8
George Moses	1	1	2	4
Jonathan Waterman	1	1	5	7
Jonathan Titus	1	--	--	1
Levy Halftown	1	1	7	9
Jefferson Halftown	1	1	--	2
Eunice Red Eye	--	1	5	6
John Wilson	1	1	3	5
Joshua Wilson	1	1	2	4

Names.—Census of Stockbridges and Munsees at Stockbridge, Wisconsin.	Men.	Women.	Children.	Total.
John N. Chicks	1	--	3	4
Jeremiah Slingerland	1	1	3	5
John W. Abrams	1	1	4	6
Ziba T. Peters	1	1	2	4
Levy Konkapot	1	--	--	1
Thomas S. Branch	1	1	2	4
Jacob Davids	1	1	4	6
John W. Quinney, jr	1	1	2	4
Timothy Jourdan	1	1	3	5
John Yoccum	1	1	4	6
George T. Bennet	1	1	3	5
Jacob Konkapot	1	1	3	5
Jesse Jourdan	1	1	2	4
Jeremiah Bennet	1	1	2	4
Isaac Jacobs	1	1	1	3
James Joshua	1	--	--	1
Benjamin Pye, 2d	1	2	4	7
John P. Hendricks	1	1	2	4

Names.—Census of Stockbridges and Munsees at Stockbridge, Wisconsin.	Men.	Women.	Children.	Total.
Eli Williams	1	1	3	5
Cornelius Anthony	1	1	2	4
Lewis Hendrick	1	--	--	1
Adam Davids	1	1	2	4
Elias Konkapot	1	--	--	1
Jedediah Wilber	1	--	--	1
William Gardner	1	1	3	5
Stephen Gardner	1	1	1	3
Simeon Gardner	1	1	1	3
Polly Bennett	--	1	2	3
Eleanor Charles	--	1	--	1
Mary Hendrick	--	1	--	1
Susannah Hendrick	--	1	--	1
Joseph Doxtater	1	1	--	2
Joseph L. Chicks	1	--	3	4
James Chicks	--	--	1	1
Solomon Davids	1	1	1	3
Elizabeth Bowman	--	1	3	4
Humble Jourdan	1	1	--	2
Phebe Pye	--	1	--	1
Jacob Jacobs	1	--	--	1
Aaron Konkapot	1	--	--	1
Jeremiah Gardiner	1	--	--	1
Andrew Wilber	1	--	--	1
Prudence Quinney	--	1	--	1
Bethseba Wright	--	1	--	1
Alonzo Quinney	1	--	--	1
Rebecca Thompson	--	1	--	1
Peter Bennett, sen	1	1	4	6
Peter Bennett, jr	1	1	--	2
Daniel Gardner	1	--	--	1
Bathseba Brown	--	1	--	1
Dennis T. Turkey	1	1	--	2
Benjamin Pye, 3d	1	1	4	6
Abram Pye, sen	1	--	2	3
Abram Pye, jr	1	--	--	1
David Pye	1	--	--	1
Elizabeth Doxtater	--	1	4	5
Margaret Davids	--	1	1	2
Cornelius Aaron	1	1	1	3
Anna Turkey	--	1	--	1
Phebe Skicket	--	1	--	1
Louisa Konkapot	--	1	--	1
Elizabeth Aaron	--	1	--	1
Rebecca Aaron	--	1	--	1
Benjamin Pye, 4th	1	1	3	5
Paul Pye	1	--	--	1
Jackson Chicks and one other orphan, heirs of Josiah Chicks	--	--	2	2
Electa W. Candy	1	1	4	6
Cornelius Yoccum	1	1	3	5
Harriet Jourdan	--	1	--	1
Levina Pye	--	1	--	1
Charlotte Palmer	--	1	3	4

Names.—Census of Stockbridges and Munsees at Stockbridge, Wisconsin.	Men.	Women.	Children.	Total.
Remona Miller	--	1	2	3
Hannah Turkey	--	1	3	4
Bigdeer	1	--	--	1
Elizabeth Wilber	--	1	2	3
Harvey Johnson	1	1	7	9
Mary Eliza Butler	--	1	3	4
Thomas Tousey	1	1	6	8
Chester Tousey	1	1	5	7
Daniel Tousey	1	--	--	1
Sarah Tousey	--	1	--	1
Philena Pye, 1st	--	1	--	1
Lucinda Quinney	--	1	2	3
Eliza Franks	--	1	1	2
Lucinda Gardner	--	1	1	2
Mary Jane Bowman	--	1	--	1
Debby Baldwin	--	1	2	3
Edward Bowman	1	1	1	3
Moses Smith	1	1	2	4
Dolly Doxtater	--	1	1	2
Polly Smith	--	1	--	1
Aaron Smith, (Hannah Smith)	1	1	2	4
Polly Konkapot	--	1	--	1
John Lewis	1	--	--	1
Peter D. Littleman	1	1	4	6
Clarissa Miller	--	1	--	1
John P. Quinney, (absent)	1	1	--	2
Paul Quinney, (absent)	1	1	1	3
Charles Stevens	1	--	--	1
Samuel Stevens	1	1	--	2
Samuel Miller	--	1	4	5
John Metoxen, sen	1	1	--	2
Simeon S. Metoxen	1	1	4	6
Nicholas Palmer	1	1	2	4
Daniel Metoxen	1	--	--	1
Moses Doxtator	1	1	2	4
Darius Charles	1	--	2	3
Catharine Butterfield	--	1	1	2
Washington Quinney	1	1	3	5
Ezekiel Robinson	1	--	--	1
Sally Pye	--	1	2	3
James Palmer	1	--	2	3
Jonas Thompson	1	1	3	5
William Thompson	1	--	--	1
Austin E. Quinney	1	1	3	5
John Beaman	1	--	--	1
Simeon Quinney	1	1	1	3
Elizabeth Palmer	--	1	--	1
Margaret Miller	--	1	2	3
William Miller	1	--	--	1
Zachariah Miller	1	1	--	2
Solomon Duchamp	1	--	--	1
John Metoxen, jr	1	--	--	1
Joseph M. Quinney	1	1	1	3

Names.—Census of Stockbridges and Munsees at Stockbridge, Wisconsin.	Men.	Women.	Children.	Total.
Mary Quinney	--	1	--	1
Frelinghuysen Quinney	1	--	--	1
Bartholomew Bowman	1	--	--	1
Lewis Bowman	1	--	--	1

FRANCIS HUEBSCHMANN,
Commissioner on the part of the United States.
ZIBA T. PETERS, Sachem.

Roll and census of Stockbridges and Munsees who prefer to remain at Stockbridge according to article 16.

Names.		Men.	Women.	Children.	Total.
John Moore		1	--	--	1
Job Moore		1	1	6	8
Sophia Moore		--	1	--	1
Caleb Moore		--	--	--	--
Elizabeth Moore		--	--	--	--
Henry Moore		1	--	1	2
Diana Davids		--	1	--	1
Mary Ann Littleman		--	1	1	2
Mary Jane Dean	Children of Jane Dean.	--	--	1	1
Daniel P. Dean		--	--	1	1
John W. Dean		--	--	1	1
Dideema Miller		--	1	--	1
Darius Davids		1	--	--	1
Mary McAllister		--	--	1	1
Hope Welch		--	1	--	1
Catharine Mills		--	1	--	1
Nancy Hom		--	1	--	1
Margaret Beaulieu		--	1	5	6
Sally Schenandoah		--	1	2	3
Betsy Manague		--	1	5	6
Jacob Moore		1	1	2	4

FRANCIS HUEBSCHMANN,
Commissioner on the part of the United States.
ZIBA T. PETERS, Sachem.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, March 3, 1856.

Letter of Geo. W. Manypenny, Indian Commissioner.

SIR: Referring to my last two annual reports, where the embarrassed condition of the Stockbridge and Munsee Indians is discussed, and to the paragraph of the general Indian appropriation bill, of the 3d March, 1855, Stat. at Large, vol. x, p. 699, where there is appropriated, "for the purpose of enabling the President to treat with, and arrange the difficulties existing among the Stockbridge and Munsee Indians, of Lake Winnebago, in the State of Wisconsin, arising out of the acts of Congress of third March, eighteen hundred and forty-three, and August sixth, eighteen hundred and forty-six, and the treaty of twenty-fourth of November, eighteen hundred and forty-eight, in such manner as may be just to the Indians, and with their assent, and not inconsistent with the legal rights of white persons who may reside on the Stockbridge reserve, of the claim of the United States under the treaty of eighteen hundred and forty-eight, the sum of fifteen hundred dollars;" and also to the treaty which was made between these Indians and Superintendent Francis Huebschmann, during the last summer, which, for reasons then given you, was disapproved of, I have now the honor to send up a treaty concluded with them on the 5th ultimo, by Superintendent Huebschmann, the provisions of which are approved by me, and would recommend, if you agree, that it may be laid before the President, to the end, if approved by him, that it may be sent to the Senate for its constitutional action thereon.

And I herewith transmit a copy of the letter of the superintendent sending on said treaty, together with a copy of a power of attorney from certain Munsees to Isaac Durkee, William Mohawk, and Joshua Wilson, for purposes therein indicated.

I would merely remark that, by locating the Stockbridges in Wisconsin instead of Minnesota about $20,000 of expense would be saved in removal, while a location in Minnesota could not be more out of the way of the whites, and the lands there would be worth to the Government at least as much as the price to be paid the Menomonees.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY *Commissioner.*

Hon. ROBERT MCCLELLAND,
Secretary of the Interior.

NORTHERN SUPERINTENDENCY,
Milwaukie, February 23, 1856.

Letter of Francis Huebschmann, superintendent.

SIR: I have the honor to enclose a treaty with the Stockbridges and Munsees, concluded in conformity to your instructions. In consequence of the complicated difficulties at Stockbridge, and the factious spirit ruling among the Indians, the task imposed upon me was not an easy one, and required extraordinary patience and forbearance. I believe I have used all proper means to make the arrangement contemplated by the treaty as acceptable to all parties interested as could be expected under the circumstances. However, about one-fifth of the Indians, headed by Austin E. Quinney, and mostly consisting of members of the Quinney family, did not sign the treaty, but without giving any sensible reason. The only two objections raised by Austin E. Quinney to the draft of the treaty were: *First*, That the issuing of patents to lands, to be apportioned to the individuals of the tribe, was contemplated. This objection was virtually obviated by amending the treaty, so that the application for a patent to be made after ten years, has first to be consented to by the general council of the Stockbridges and Munsees.

His second objection was, that there was no provision made for the payment of a claim he himself has against the tribe. Though I invited him to submit the claim to me for examination, he did not do so, and, from what I learned from himself and others, it appears that it would, if submitted, not bear very accurate examination, as about half of it is made up of high charges for meals furnished councillors of the Stockbridges, and the other half for funds advanced to one certain Chandler, on his share of the twenty thousand dollars to be paid under the amendment to the treaty of 1848 for procuring the adoption of the said amendment.

The real objection on the part of the Quinneys to the re-organization of the Stockbridges and Munsees under this treaty is, no doubt, the certainty staring them in the face, that their rule over the tribe will be at an end if the treaty is ratified. To show what use this family has made of their power over the tribe, I will only mention a few instances. Though claiming to hold their lands again in commonalty in consequence of the law of August 6, 1846, Austin E. Quinney, by barter and trade carried on with widows and other Indians, and by advancing to them a few provisions, pretended to have bought their lots of land, and, under the treaty of 1848, he not only received pay for the improvements on all these lands, (1,440 acres,) $2,760.63, but of the sixteen thousand five hundred dollars paid under V article of treaty of 1848 he received $3,083, while under a proper per capita apportionment, the share of his family would not have been much more than about three hundred dollars. The interest of the $16,500, to be paid "as other annuities are paid by the United States," has been apportioned in direct violation of the said treaty until the Stockbridge affairs came under my superintendence, in the same manner as the $16,500 under article 5 had been paid; and for the benefit of Sam'l Miller, even that illegal apportionment was falsified so as to pay him one-half of $1,662.50, and the interest on the other half instead of $412.50, the proportion to which he would have been entitled by the quantity of land held by him at the treaty of 1848. Austin E. Quinney realized about a thousand dollars more by selling his pretended right of occupancy to lots, so that it appears, that he has received about seven thousand dollars in addition to what he has received of the money paid to his tribe by the State of New York, and it is no doubt mortifying to him that his share of moneys hereafter, is to be no larger than that of any other member of the tribe. A great part of the funds received from the State of New York has been used by the Quinney family for their own aggrandizement and the sending of delegations to Washington; and the wishes of a majority of the Stockbridges in relation to the application of those funds, have been frequently disregarded, and at the present time Sam'l Miller has been sent by Austin E. Quinney as delegate to Washington with a part of those funds, in direct opposition to the wishes of the majority.

I proposed to Austin E. Quinney and his followers to patent to them lands at Stockbridge, and to make other stipulations favorable to them, if they preferred to remain there and to separate from the tribe; but as they would not declare their willingness to accept of such provisions, and as Quinney declared that he would probably desire to remove with the others if the lands to be selected were of good quality, and deeming it more beneficial to them that they should remove with the others and be settled by themselves, if they preferred it, in some corner of the new reservation, I did not feel prompted to provide for their remaining at Stockbridge, and increased the sums to be paid in proportion to their number.

I had made no secret, since my visit to Stockbridge during the fore part of December last, of the arrangement contemplated in relation to lands and land-titles at Stockbridge, (articles 13 and 14,) and it appeared generally satisfactory to white settlers; yet there will be always found meddlesome individuals, and it appears that, at the request of a resident of Stockbridge, who, however, has no land himself, a lawyer of Green Bay had drawn up a petition or memorial asking the treaty to be amended.

When I saw the document no names were attached to it, and I have not inquired afterwards if it has been signed by anybody and forwarded. I read it very hastily, but it left the impression upon my mind that little legal knowledge was displayed by its author. Since the authority to issue patents, given by the law of 1843, was destroyed by the repealing act of 1846, and the list of patents to lots to be granted under the treaty of 1848 is imperfect and incorrect, the settlers at Stockbridge, if they understand it, will be the last to object to authority being granted to the proper officer to issue patents; and the investigation of sales made by Indians provided for, I think, will not be seriously objected to, except by such who are afraid that the consideration paid by them would be found to have consisted of whiskey.

The minimum price fixed in the treaty for the land to be sold by the United States Government is not too high nor unjust to any class of the settlers of Stockbridge. Those who settled there shortly after the treaty of 1848, and bought out, for a small consideration, the right of occupancy of Indians, to their houses, clearings, and fields, have since mostly confined themselves to cultivating the fields already made and raised fine crops, without paying any taxes or bearing any of the hardships of a new settlement. It has not been so much by their labor that these lands have become valuable, as by the settlements and improvements made in the surrounding country and the general prosperity of the State. The settlers who have recently squatted on lots of land at Stockbridge, have gone there with the perfect knowledge of the price which was expected to be fixed on those lands, and since it has become known that the treaty was signed, that part of the State has been under great excitement, and many have flocked to Stockbridge to make claims and to avail themselves of the privileges contemplated to be extended to actual settlers by the treaty. It is feared that there are even more settlers and claimants than lots of land, and if the price should be reduced the excitement would, no doubt, become more intense, and the land-officers would find it more difficult to settle the conflicting claims. The privilege of entering lands at the terms of payment as prescribed for actual settlers in article 14, granted to a number of Indians by article 16, was considered by all as very valuable, which seems to prove beyond a doubt that the price is considered very moderate. If the petition above referred to has been signed generally by the settlers at Stockbridge, they have done so in consequence of its being represented to them that it could do no harm to try to get the lands from the Government at a less price, and not because the price is too high or unjust to any one of them. A power of attorney of the Munsees of New York to their delegate is herewith enclosed.

Very respectfully, your obedient servant,

FRANCIS HUEBSCHMANN,
Superintendent.

Hon. GEORGE W. MANYPENNY,
Commissioner of Indian Affairs, Washington, D.C.

Know all men that by these presents we make, constitute, and appoint Isaac Durkee, William Mohawk, and Joshua Wilson, or either two of them in the absence of the other, to receive from the commissioner of the United States the share of us, and each of us, and our families in money, which, in consideration of annuities due us from the United States, or by virtue and effect of a treaty which it is understood, is about to be made between the United States and the Stockbridge and Munsee tribes of Indians, we are informed will be our due, and will be paid to us by the said commissioner, or by the superintendent of Indian affairs for Wisconsin. And we hereby authorize our attorneys as aforesaid to give receipts and vouchers to the said commissioner or superintendent, as may be right, or he may require; our intention being that our said attorneys shall transmit to us, in the State of New York, said moneys, to enable us immediately to remove to, improve and subsist in our new homes in the State of Wisconsin.

Hereby ratifying the acts of our attorneys in the premises.

In witness whereof, we have hereunto set our hands and seals, this, —— day of January, A.D. 1856.

ISAAC DURKEE.	
WILLIAM MOHAWK.	
TITUS MOHAWK,	his x mark.
AUSTIN HALF WHITE,	his x mark.
CLARISSA SPRAGG,	his x mark.
GEORGE MOSES,	his x mark.
JONATHAN WATERMAN,	his x mark.
JONATHAN TITUS,	his x mark.
LEVY HALF TOWN,	his x mark.
JEFFERSON HALF TOWN,	his x mark.

In presence of—
SAM'L W. BEALL,
JOHN ARMSTRONG.

STATE OF NEW YORK, *Cattaraugus County, ss.*

On this 19th day of January, A.D. 1856, came before me Isaac Durkee, William Mohawk, Titus Mohawk, Austin Half White, Clarissa Spragg, George Moses, Jonathan Watersnake, Jonathan Titus, Levy Half Town, Jefferson Half Town, proven to me by the oath of George Jamison, to me well known, to be the individuals who signed and executed the within instrument of attorney, and acknowledged that they executed it freely.

GEORGE JAMISON, his x mark.

Sworn and subscribed before me, this 19th day of January, 1856.

ELISHA BROWN,
Justice of the Peace.

Treaty 29

Author's Introduction. In this treaty the Menominees once again ceded land to one of the Indian nations who removed to Wisconsin. The treaty allowed for the cession of two townships to the United States for a home for the Stockbridge and Munsee peoples. (This is described in treaty 28) For this cession, the Menominees received 60 cents per acre, most of which was to be spent on removal of the Menominees to the west.

The Menominees ceded more than 45,000 acres of land. The treaty gave broad powers to the U.S. President to promote the "welfare" of the tribe. For example, the president could grant the right of way across Menominee lands without securing tribal approval.

This was the last of the treaties that the Menominees signed with the United States, and it marked an end to an important period in Menominee Indian history. The tribe had ceded over six million acres in previous treaties, and had been moved to increasingly smaller portions of their traditional homeland. That they escaped removal west of the Mississippi River attests to the skill and perseverance of the Menominees in numerous treaty negotiations.

Treaty between the United States and the Menominee Tribe (1856)

Oratory

These words of Chief Oshkosh denote his wish for intelligent and fair negotiations between peoples. (*Documents Relating to . . . 1801-1869*, Roll 4)

> . . . . Oshkosh: I want to say, that our grandfather is right what he told them, that god had put them on the land, & that god made the sky as clear as it is to day, when he made the account with them, & that they consider Oshkosh as their chief, bec[ause] his ancestors was alway chiefs, & he wishes when he is sick, that the tribe be as clear as the sky; and when one tribe goes to another, they send their wisest men to consult w[ith] the other tribe.

Complete Written Document

Feb. 11, 1856.

11 Stat., 679.

Ratified Apr. 18, 1856.

Proclaimed Apr. 24, 1856.

Whereas a treaty was entered into at Stockbridge, in the State of Wisconsin, on the fifth of the present month, between the United States of America on the one part, and the Stockbridge and Munsee tribes of Indians on the other, stipulating that a new home shall be furnished to the said Stockbridge and Munsee Indians, near the south line of the Menomonee reservation; and

Whereas the United States desire to locate said Stockbridges and Munsees near the said line in the western part of the said reservation, on lands on which no permanent settlements have been made by the Menomonees; and

Whereas there is no objection on the part of the Menomonees to the location of the Stockbridges and Munsees in their neighborhood, therefore this agreement and convention has been entered into.

Title

Articles of agreement made and concluded at Keshena, State of Wisconsin, on the eleventh day of February, in the year of our Lord eighteen hundred and fifty-six, between Francis Huebschmann, commissioner on the part of the United States, and the Menomonee tribe of Indians, assembled in general council.

Cession of land to the United States.

ARTICLE 1. The Menomonee tribe of Indians cede to the United States a tract of land, not to exceed two townships in extent, to be selected in the western part of their present reservation on its south line, and not containing any permanent settlements made by any of their number, for the purpose of locating thereon the Stockbridge and Munsee Indians, and such others of the New York Indians as the United States may desire to remove to the said location within two years from the ratification hereof.

Payment for said cession.

ARTICLE 2. The United States agree to pay for the said cession, in case the said New York Indians will be located on the said lands, at the rate of sixty cents per acre; and it is hereby stipulated, that the monies so to be paid shall be expended in a like manner, to promote the improvement of the Menomonees, as is stipulated by the third article of the treaty of May twelfth, eighteen hundred and fifty-four, for the expenditure of the forty thousand dollars which had been set aside for their removal and subsistence, west of the Mississippi, by the treaty of October eighteenth, eighteen hundred and forty-eight.

ARTICLE 3. To promote the welfare and the improvement of the said Menomonees, and friendly relations between them and the citizens of the United States, it is further stipulated—

Laws may be made for the affairs of the Menominees.

1. That in case this agreement and the treaties made previously with the Menomonees should prove insufficient, from causes which cannot now been [be] foreseen, to effect the said objects, the President of the United States may, by and with the advice and consent of the Senate, adopt such policy in the management of the affairs of the Menomonees as in his judgment may be most beneficial to them; or Congress may, hereafter, make such provision by law as experience shall prove to be necessary.

Suppression of use of ardent spirits.

2. That the Menomonees will suppress the use of ardent spirits among their people, and resist, by all prudent means, its introduction in their settlements.

Annuities may be paid semiannually or quarterly.

3. That the President of the United States, if deemed by him conducive to the welfare of the Menomonees, may cause their annuity monies to be paid to them in semi-annual or quarterly instalments.

Right of way of roads.

4. That all roads and highways, laid out by authority of law, shall have right of way through the lands of the said Indians on the same terms as are provided by law for their location through lands of citizens of the United States.

ARTICLE 4. This instrument shall be binding upon the contracting parties whenever the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Francis Huebschmann, commissioner as aforesaid, and the chiefs and headmen of the said Menomonee tribe, in presence and with the consent of the warriors and young men of the said tribe, assembled in general council, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

Francis Huebschmann, [L.S.]
Commissioner on the part of the United States.

Osh-kosh, his x mark. [L.S.]
Sho-ne-niew, his x mark. [L.S.]
Ke-she-na his x mark. [L.S.]
La-motte, his x mark. [L.S.]
Pe-quah-kaw-nah, his x mark. [L.S.]
Car-ron, his x mark. [L.S.]
Wau-ke-chon, his x mark. [L.S.]
Ah-kamote, his x mark. [L.S.]
Ah-yah-metah, his x mark. [L.S.]
Osh-ke-he-na-niew, his x mark. [L.S.]
Kotch-kaw-no-naew, his x mark. [L.S.]
Sho-ne-on, his x mark. [L.S.]
Wa-pa-massaew, his x mark. [L.S.]
Naw-no-ha-toke, his x mark. [L.S.]
Match-a-kin-naew, his x mark. [L.S.]
Mah-mah-ke-wet, his x mark. [L.S.]
Ko-man-e-kim, his x mark. [L.S.]
Shaw-puy-tuck, his x mark. [L.S.]
Oken-a-po-wet, his x mark. [L.S.]
Way-taw-say, his x mark. [L.S.]
Naw-kaw-chis-ka, his x mark. [L.S.]
Wa-ta-push, his x mark. [L.S.]

Py-aw-wah-say, his x mark. [L.S.]
Way-aich-kiew, his x mark. [L.S.]
Ay-oh-sha, his x mark. [L.S.]
Mo-sha-hart, his x mark. [L.S.]

Signed and sealed in presence of

Benja Hunkins, Indian agent.
Talbot Pricket, United States interpreter.
Theodore Koven, secretary to commissioner.
John Wiley.
R. Otto Skolla.
H.L. Murny.
Benjamin Rice.
John Werdchaff.
Stephen Canfield.
Thomas Heaton.

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Appendixes

A. Glossary

B. State of Wisconsin Native American Tribal and Intertribal Offices

C. Selected Bibliography

D. Cover Sheet for Suggestions

Glossary

Acculturation: the process of adopting the cultural traits or social patterns of another group.

Agent: a person appointed by the Bureau of Indian Affairs to supervise U.S. government programs on a reservation and/or in a specific region.

Agriculture: intensive cultivation of tracts of land, sometimes using draft animals and heavy plowing equipment. Agriculture requires a largely non-nomadic life.

Algonquian: the Indian peoples living in the northeastern United States and east-central Canada whose languages are related and who share numerous cultural characteristics. The languages spoken by most Indian peoples in northeastern North America.

Allocation System: procedure in which the products that are obtained by Indians performing varying subsistence activities are shared among all members of the group.

Allotment: a parcel of land or homestead assigned to an individual Indian, usually the head of a family, by the United States in an effort to replace communal property ownership with private property ownership. The title of the land is held in trust by the United States or it is given to the Indian with the condition that the land cannot be sold without the consent of the United States.

American Indian Movement (AIM): a group formed in 1968 by urban Indian political activists in Minneapolis, Minnesota, whose goals were to gain fulfillment of U.S. treaty obligations to American Indians and to increase federal programs to support impoverished Indian families. AIM members staged a series of building takeovers, including one at the site of the abandoned Alcatraz prison, to focus media attention on the plight of American Indians.

Annuities: a sum of money payable yearly or at other regular intervals, resulting from a contract or agreement such as a treaty.

Annuity System: a payment procedure for land acquired from Indians that results in fixed, periodic payments in cash, goods, or services for a term of years.

Assimilation: the merging of cultural traits from previously distinct cultural groups. Federal officials talked about the absorption of Indians into the dominant culture but their policies emphasized Indian acculturation rather than assimilation.

Bad River Chippewas: see Chippewa.

Band: a group of Indians united under the same leadership in a common design, for example the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. Bands were originally sub-groups of a tribe. Chippewa bands in Wisconsin are recognized by the federal and state governments as separate Indian nations.

Barbarism: an idea, act, or expression that in form or use is an offense against the contemporary standards of good taste or acceptability.

Binding Agreement: see contract.

Boarding Schools: schools where Indian children were taken and educated in non-Indian ways. The children boarded or lived at the school.

Boundaries: a separating line that indicates or fixes a limit or extent.

Brothertown: remnants of New England and New Jersey tribes that regrouped in New York. Some resettled in Wisconsin during the 1820s and early 1830s.

Business Committees: see tribal governments.

Carlisle Indian School: a federally funded Indian boarding school in Pennsylvania that was in operation in the late nineteenth and early twentieth centuries. Young Indians of many tribes were sent there to be taught the mainstream culture.

Cede: to officially or formally surrender a possession. The treaties between the U.S. government and many Indian tribes often involved the cession of lands.

Ceded Territory: the land recognized as belonging to the Indian tribes which the United States acquired as a result of treaties.

Chicago Conference: conference in 1961 held on the campus of the University of Chicago where Indian leaders formulated new goals, stressing self-determination.

Chippewa: one of the largest Indian tribes north of Mexico. Presumed to have migrated south to Wisconsin from Canada by historic times. Early Wisconsin settlements included the sites of the six contemporary reservations at Lac du Flambeau, Lac Courte Oreilles, Bad River, Red Cliff, Mole Lake, and St. Croix. Chippewa Indians are also known by the names Ojibway and Anishinabe.

Citizenship: the privilege of being a member in a political society. The privilege includes a duty of allegiance on the part of the member and a duty of protection on the part of the society.

Citizenship Act of 1924: a statute extending U.S. citizenship to all Indians.

Civilization: the culture and conditions of a group of people. Officials of the United States sought to extinguish Indian culture and replace it entirely with Euro-American social and political institutions, religious practices, and kinship patterns.

Civilization Program: U.S. policy of the nineteenth and early twentieth centuries designed to change the Indians' way of life so that it resembled that of non-Indians. These programs usually focused on converting Indians to Christianity and encouraged them to become farmers.

Clan: a cluster of related Indian families claiming a common ancestor but not necessarily belonging to the same band.

John Collier: commissioner of Indian Affairs from 1933 to 1945. Tried to humanize the Indian Bureau and create a cooperative effort between the tribes and the Bureau. Encouraged cultural preservation and more direct tribal voices in the administration.

Communal Property: property that is shared or used in common by members of a group or community.

Consent: to agree to something, or give assent or approval. To be legally binding, a person must clearly understand what he or she is agreeing to do.

Conservation: planned management of a natural resource with the purpose of preventing exploitation, destruction, or neglect.

Contract: an agreement between two or more persons.

Culture: the learned behavior of humans; nonbiological, socially taught activities; the way of life of a group of people.

Dawes Act of 1887: enacted by the U.S. Congress in 1887 to provide for partitioning reservations and assigning each adult Indian male a parcel of land which was known as an allotment or a homestead.

Debt: an obligation or owing something to someone.

Deed: a signed and usually sealed instrument containing some legal transfer, bargain, or contract.

Department of the Interior: U.S. government office created in 1849 to oversee the internal affairs of the United States, including government land sales, land-related legal disputes, and American Indian issues.

Domestic Dependent Nations: term used by Chief Justice John Marshall in the Supreme Court case of *Cherokee Nation v. State of Georgia* (1831) in which he described the "peculiar" relationship of the Indian tribes *within* the borders of states of the Union as "domestic dependent nations" or "wards" of the federal government while retaining the "unquestionable" right to their lands and remaining distinct political societies.

DRUMS (Determination of Rights and Unity for Menominee Shareholders): an organization formed in 1970 by dissident Menominee to protest the way Menominee Enterprises, Incorporated (MEI) was administering tribal land and forests after the tribe's termination. DRUMS was a leading force in the Menominee's successful fight for the restoration of their reservation and tribal status.

Dual Citizen: being a citizen of two nations.

Enrolled: see tribal membership.

Environment: the aggregate of social and cultural conditions that influence the life of an individual or community.

Exclusive Jurisdiction: refers to jurisdiction that is not hampered or limited by that of another level of government.

Extended Families: a family that includes in one household near relatives in addition to a nuclear family.

Factory System: an operation of government trading houses (each under the supervision of an agent or factor) designed to purchase animal pelts from the Indian in exchange for goods supplied by the United States under the direction of the president. In Wisconsin, factories (trading houses) existed at Green Bay (1815-1821) and at Prairie du Chien (1815-1822).

Federal Recognition: an official acknowledgment of a group's identity by the federal government. In 1978 Congress outlined procedures for establishing that an American Indian group exists as an Indian tribe.

Foreign Nation: a political union or community of people under a sovereignty other than that of the United States. A nation is foreign to another nation, if the two nations owe allegiance to two separate governments.

Forest County Potawatomis: members of Potawatomi communities who refused to remove to the West or who returned from there and settled in the Forest County region where a reservation was established for them in 1913.

Fur Trade: trading network in North America through which Indians gave Europeans animal pelts in exchange for manufactured goods.

Game Warden: law enforcement officer responsible for enforcing rules and regulations regarding fishing and hunting.

General Allotment Act: see Dawes Act of 1887.

General Welfare: the best interests, prosperity, and well-being of citizens of a state or nation.

"Good Faith": to do something without malice or the intention of defrauding or gaining an unfair advantage.

Government-to-Government Relations: the economic and the political relations between the government of sovereign entities.

Great Seal of Wisconsin: the emblem designed when Wisconsin obtained territorial status. The current emblem differs from the original.

Guardian: the role identified in the Marshall Trilogy designating a parental role for the federal government in its relationship with Indian tribes.

Harvesting: to gather in a crop, especially for food.

Ho-Chunk: Siouan-speaking Indian group of Wisconsin whose members remained in the state or returned to it after forced removal in the nineteenth century, and settled principally near Black River Falls, Wittenberg, Wisconsin Rapids, Tomah, and LaCrosse.

Horticulture: the production of food by human muscle power and simple hand tools, used in planting and harvesting domesticated crops. In traditional American Indian cultures, horticulture is commonly women's work. Agriculture, which requires the power of draft animals and larger tools such as plows, is usually men's work.

House Concurrent Resolution 108: a 1953 law that aimed to terminate the financial support and services that the federal government had pledged to give Indians in past treaties.

Indian: also called American Indian, Native American, or indigenous person; a member of the aboriginal people of the Americas.

Indian Activism: the movement that began to appear among various Indian groups in the late 1960s and 1970s who were seeking to improve their condition throughout the country by making their disadvantaged and impoverished condition visible to the general public, reasserting tribal sovereignty, and demanding federal protection of their reserved rights.

Indian Claims Commission (ICC): a federal government body created by an act of Congress in 1946 to hear and rule on claims brought by Indians against the United States. These claims stemmed from unfulfilled treaty terms, such as nonpayment for lands sold by the Indians.

Indian Concept of Land Ownership: see communal property.

Indian Judges: an official authorized to decide questions brought before a tribal court.

Indian New Deal: program inaugurated by the Indian Reorganization Act (Wheeler-Howard Act) of 1934, designed to remove government restrictions on Indian traditions and to encourage autonomous development of Indian communities.

Indian Police: the organization charged with the duty to control and regulate affairs affecting the general order and welfare of Indian territory.

Indian Removal Act: an 1830 federal law that authorized the resettlement of eastern Indian tribes to new lands west of the Mississippi River.

Indian Reorganization Act (IRA): the 1934 federal law that ended the policy of allotting plots of land to individuals and encouraged the development of reservation communities. Also, the act provided for the creation of autonomous tribal governments.

"Indians Not Taxed": phrase in the U.S. Constitution referring to the status of Indians as non-citizens of the United States. This refers to most Indians before 1924, although some Indians became citizens, owned property as citizens, and were taxed.

Indigenous: originating in, and characteristic of, a particular region, country, or geographic area; a native or original inhabitant.

Iroquoian: a large group of separate tribal peoples in the Northeast and Carolina regions speaking related languages and having similar cultures. Most were eventually conquered or incorporated by the Six Nations. Also, the languages spoken by these tribal groups.

Iroquois: the Iroquoian people; specifically, the Six Nations: Mohawk, Oneida, Onondaga, Cayuga, Seneca, Tuscarora.

Judicial Canons of Interpretation: standards of interpreting Indian treaties that evolved during and after the treaty-making era.

"Just and Lawful War": term in the Northwest Ordinance relating to a defensive action or an act of retribution as the only form of warfare the United States should take against Indians.

L.S.: *locus sigilli*; in Latin, *the place of the seal*.

Lac Courte Oreilles Chippewas: see Chippewa.

Lac du Flambeau Chippewas: see Chippewa.

Land Cession: the assignment, transfer, or yielding up of territory by one state or government to another.

Land Cession Treaties: treaties between the United States and Indian tribes that included a provision for the Indians to cede their lands to the United States.

Legal Systems: procedures that provide a written or understood code of laws that govern behavior.

Manifest Destiny: a supposedly benevolent or necessary policy of imperialistic expansion. The mid-nineteenth-century expansion to the Pacific was regarded as the *Manifest Destiny* of the United States.

John Marshall: Chief Justice of the U.S. Supreme Court that decided the trilogy of cases that are heralded as the basis for Indian sovereignty and as the basis for the federal–Indian guardian-wardship system of relationship.

Matrilineal Descent: relationship traced through the mother's line.

Menominee: Algonquian Indian tribe whose historic homeland was on the shores of Green Bay and the Menomonie River in Wisconsin.

Menominee Enterprises, Incorporated (MEI): a corporation created in 1959 to assume control of Menominee forest resources from the federal government after the termination of the Menominee tribe. Run initially by a voting trust of three Indians and four non-Indians, MEI was supposed to administer the tribal forests and mill on the tribe's behalf. MEI was dismantled when the Menominee Reservation was restored in 1975.

Menominee Restoration: act of 1973 that restored the terminated Menominees to federal trust status and repealed the Termination Act as it affected them.

Meriam Report: a 1928 federal government study that disclosed the horrendous state of health care, education, and the economy in Indian communities and recommended several reforms in federal Indian policy.

Métis: See mixed blood.

Missionaries: advocates of a particular religion who travel to convert nonbelievers to their faith.

Mixed Blood: a person of part Indian and other heritage; for example, a person of Ho-Chunk and Oneida heritage, or a person of Brothertown and Irish heritage.

Mole Lake Chippewas: see Chippewa.

Nation: an organized people usually living in the same area, speaking the same language, sharing the same customs, and having a continuous history. One nation is distinguished from another by their origin and characteristics. American policy makers often referred to large tribes of Indians, or a group of affiliated bands, not necessarily operating within the same political organization, as a nation.

Nation-to-Nation Relationship: see government-to-government relations.

Negotiations: the deliberation, discussion, or conference upon the terms of a proposed agreement; the act of settling or arranging the terms and conditions of a bargain, sale, or other business transaction.

Neshnabe, Neshnabek: the term used by the Potawatomi for themselves; literal meaning is "True Human" or "True People." *Neshnabe* also means "a male."

Non-Reservation Indians: Federally recognized Indians who do not have a reservation.

Northwest Ordinance: proclamation of 1787 that stated that the U.S. government would treat with Indians fairly and that they would not go to war against them unless provoked.

Nuclear Family: a family group that consists only of father, mother, and children.

Oneida: Iroquois tribe from upstate New York. Some members emigrated to Wisconsin in the early 1820s.

Oral Literature: a body of literary works that are communicated verbally. Oral literature, which includes songs, stories, and ritual dramas, is sometimes called "verbal arts" or "folklore."

Outing System: the style of schooling Indians that required the children to be placed in a non-Indian home, often serving as little more than a servant to the family.

Pan-Indian Movement: a renewed interest in Indian identity that spread throughout North America in the early decades of the twentieth century and led to common actions by many tribes.

Patrilineal Descent: relationship traced through the father's line.

"Peace and Friendship": term used in the Northwest Ordinance that described the policies with which the federal government promised to deal with Indian tribes.

Potawatomi: the name French explorers mistakenly gave to those who called themselves Neshnabek; supposedly meaning "People who make fire."

Pow Wow: an Indian social gathering that today includes feasting, dancing, rituals, and arts and crafts displays, to which other Indian groups as well as non-Indians are invited. Historically, pow wows had a more spiritual significance than they do today.

Prairie Band of Kansas: Potawatomi Band with reservation lands in Kansas. Some members returned to Wisconsin after their removal from the Midwest and settled near Skunk Hill in Wood County. They have no reservation lands in Wisconsin today.

Property: anything that is owned (like land, goods, or money). Indians believed in communal or shared ownership of land while Europeans and later Americans believed in private or personal ownership of land.

Property Rights: any type of right to, or interest in, specific property whether it is personal or real property, tangible or intangible.

Red Cliff Chippewas: see Chippewa.

Relocation: the attempt on the part of the federal government to encourage Indians to leave the tribal environment of the reservation and migrate to the cities in order to enter mainstream society.

Removal: U.S. government policy associated with Andrew Jackson's desire to secure legislation in 1830 to relocate Indians living east of the Mississippi River into territory west of the Mississippi River.

Reservation: a tract of land under control of the Bureau of Indian Affairs, set apart by treaty or executive order, for perpetual occupancy by Indians or until the right of occupation has been surrendered to the United States.

Reserved Rights: rights not given or granted but retained by the sellers in an exchange.

Resources: a base of supply or support.

Sac and Fox: Algonquian tribes that were closely linked since the 1730s and often treated by the United States as a single tribe.

St. Croix Chippewas: see Chippewa.

Santee Sioux: eastern branch of the Dakota Indians.

Seasonal Migration: movements during the various seasons designed to maximize the Indian tribes' ability to gain their subsistence from the land while minimizing their impact on the natural resources.

Self-determination: the federal government's current Indian policy, which gives tribes freedom to choose whether to remain on reservations, to form tribal governments, and to assume responsibility for services traditionally provided by the BIA.

Senate Committee on Indian Affairs Survey: a subcommittee of the Committee on Indian Affairs which held hearings in 1928 in areas around the country to gather testimony about the situation of Indians pursuant to Senate Resolution 79.

Siouan: linguistic family to which Sioux and Ho-Chunks belong.

Six Nations: see Iroquois.

Skunk Hill Band: see Prairie Band of Kansas.

Sovereignty: the supreme, absolute, and uncontrollable power of an entity to govern and regulate its internal affairs without foreign dictation.

Special Privileges: things not commonly available to people.

State Interference: actions taken by a state that violate tribal sovereignty or interfere with the nation-to-nation status of tribal–federal relations.

Stereotype: a mental picture held in common about a group of people, representing an oversimplified opinion or an uncritical judgment.

Stockbridge-Munsee: eastern Algonquian Indians who merged and formed a united community in Wisconsin in the early 1820s.

Subsistence: a means of support, or providing the provision needed to live.

Subsistence Economy: the knowledge, skills, and tools used by a society to obtain food, clothing, and shelter.

Super Citizens: term used by anti-treaty advocates who overlook the treaty rights and dual citizenship status of tribal Indians and claim Indians have special privileges.

Supreme Law of the Land: Article VI of the U.S. Constitution declares that all laws made in pursuance of the Constitution and all treaties made under the authority of the United States shall be the "supreme law of the land" and shall take precedent over any conflicting provision of a state constitution or law.

Termination Policy: a federal Indian policy during the 1950s which sought to conclude the federal government's relationship as the guardian of the Indian tribes.

Territory: a defined region of the United States that is not a state but may become one. The government officials of a territory are appointed by the president, but territory residents elect their own legislature.

Title: the deed constituting the evidence of a person's legal ownership.

Trading Houses: government trading posts established in the early years of the republic as a monopoly to control the Indian fur trade and to assist in acquiring Indian land by encouraging Indian indebtedness.

Traditional Indians: Indians who attempt to follow the way of life of their ancestors.

Trapping: to engage in catching animals in a trap for furs.

Treaty: a written contract between nations that expresses consent.

Treaty Rights: rights enumerated in treaties including those specified by the U.S. government and those reserved by Indian tribes.

Tribal Councils: see tribal governments.

Tribal Governments: organization or machinery through which tribes exercise authority and perform governing functions, including executive, legislative, and judicial decision-making.

Tribal Membership: official enrollment in a specific tribe that is recognized by the federal government. Tribal membership is often based on ancestry and blood quantum.

Tribal Self-government: see self-determination.

Tribal Status: see tribal membership.

Tribalism: the maintenance and evolution of traditional Indian ways of life.

Tribe: a society consisting of several or many separate communities united by kinship, culture, language, and other social, educational, political, economical, and religious institutions.

Trust Responsibility: the relationship between the federal government and many Indian tribes, dating from the late nineteenth century. Government agents managed Indians' business dealings, including land transactions and rights to national resources, because the Indians were considered legally incompetent to manage their own affairs.

Urban Areas: cities such as LaCrosse, Madison, and Milwaukee.

U.S. Office of Indian Affairs: a federal agency headed by the Commissioner of Indian Affairs, who is appointed by the President with the advice and consent of the Senate. The purpose of the agency is to facilitate the administration of the laws governing Indian affairs.

Wardship: the concept of federal guardianship over Indian tribes which emerged from John Marshall's Supreme Court decision in the 1830s.

Wheeler-Howard Act: see Indian Reorganization Act.

Winnebago: former name of the Wisconsin Ho-Chunk Nation.

Work Cycle: pattern of subsistence activity where at different times of the year different members of the band or clan would perform activities made most productive by the season.

State of Wisconsin Native American Tribal and Intertribal Offices

Bad River Band of Lake Superior Tribe
of Chippewa Indians
P.O. Box 39
Odanah, WI 54861
(715) 682-7111

Brothertown Indian Nation
AV2428 Witches Lake Road
Woodruff, WI 54568
(Currently not federally recognized)

Forest County Potawatomi Tribe
P.O. Box 340
Crandon, WI 54520
(715) 478-2903

Great Lakes Inter-Tribal Council, Inc.
P.O. Box 9
Lac du Flambeau, WI 54538
(715) 588-3324

Great Lakes Indian Fish and
Wildlife Commission
P.O. Box 9
Odanah, WI 54861
(715) 682-6619

Ho-Chunk Nation
P.O. Box 667, Main Street
Black River Falls, WI 54615
(715) 284-9343

Lac Courte Oreilles Band of Lake Superior
Chippewa Indians
Route 2, Box 2700
Hayward, WI 54843
(715) 634-8934

Lac du Flambeau Band of Lake Superior
Chippewa Indians
P.O. Box 67
Lac du Flambeau, WI 54538
(715) 588-3303

Menominee Indian Tribe of Wisconsin
P.O. Box 910
Keshena, WI 54135
(715) 799-5100

Oneida Tribe of Indians of Wisconsin
P.O. Box 365
Oneida, WI 54155-0365
(414) 869-2214

Red Cliff Band of Lake Superior
Chippewa Indians
P.O. Box 529
Bayfield, WI 54814
(715) 779-3700

St. Croix Chippewa Indians of Wisconsin
P.O. Box 287
Hertel, WI 54845
(715) 349-2195

Mole Lake Band of Wisconsin
(Sokaogon Chippewa Community)
Route 1, Box 625
Crandon, WI 54520
(715) 478-2604

Stockbridge-Munsee Tribe
Route 1, N8476 Moheconuck Road
Bowler, WI 54416
(715) 793-4111

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Attached find (check all that apply):

☐ Editorial suggestion(s) for improving the guide.

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